California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

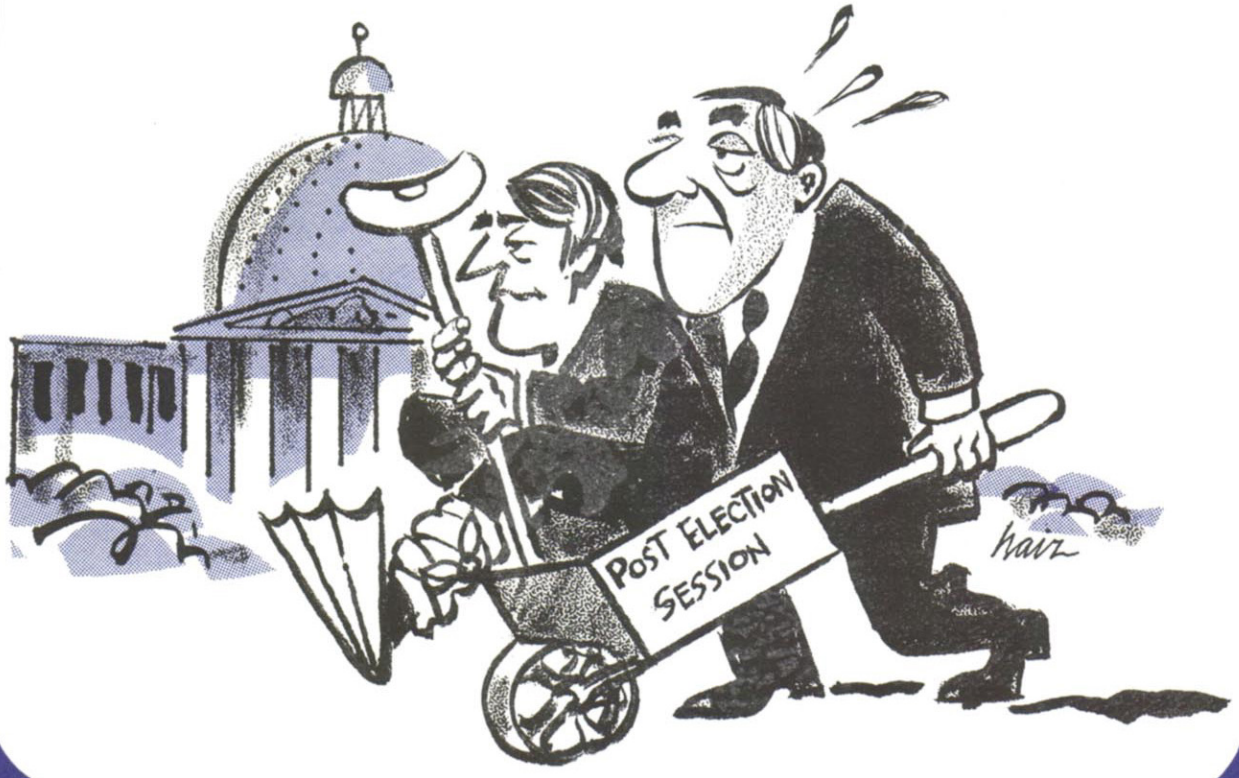
Special: Complete Election Results

Mammoth Case Raises Questions

Deadlock on Logging Rules

Crime Council Still Under Fire

Television's View of the Capitol



November 1972

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a california journal . . .

Recess is over

Well, the legislators are back, most of them to stay. Not all of them spent their three-month recess hustling in the hustings, however. Take Walter Karabian, whose staff thoughtfully kept us posted on the Assemblyman's inspection of Israel's combat posture by issuing a press release under the attention-riveting dateline, "Israeli Command Post, Suez". Now, it's rare that your typical capitol correspondent has occasion to write from anything more exotic than Sacramento, so naturally we hung on breathlessly as the Assemblyman reported that all was calm on the Suez front, at least during his visit.

For most of the Legislators, of course, recess was a time for campaigning and for holding those interim hearings that permit them to do their work in full view of the voters. Not all the races of interest were settled November 7th. One 1974 race that is shaping up already, in the opinion polls at least, pits Governor Ronald Reagan against U.S. Senator Alan Cranston. A sounding by Mervin D. Field's California Poll last month revealed that, were a Cranston-Reagan senatorial election held now, "Cranston would defeat the Governor by a sizeable margin of 46 percent to 35 percent."

The break also gave various legislative observers time to rate the Legislator's performances in areas of particular concern to the raters. The Birdwatchers, for example, rated Legislators on their environmental work, and Marion Ash, who publishes a newsletter called *Skirting the Capitol,* sized them up on matters of sexual equality and found the work of two Senators and four Assemblymen "ghastly". *The Sacramento Bee's* Women's Activities Editor, Margaret Kreiss, relayed Ash's findings in her "Pencil Me In" column, and also asked her: "Who are the good-looking Legislators?" Reported Kreiss: "We learned that Senator Donald Grunsky of Watsonville is handsome; Senator George Deukmejian of Long Beach has big brown eyes; Senator George R. Moscone of San Francisco is very attractive; Assemblyman Frank Murphy Jr. of Santa Cruz is handsome. Assemblyman Robert W. Crown of Oakland is 'sexy looking' and a bachelor, which puts him one-up on everybody else."

Rule of thumb

At first blush, it sounded like one of those ethnic jokes Archie Bunker has revived in this indulgent age in which the only hang-up is that of having hang-ups. But Polish hitchhiking caught a free ride in the press last month when one of its advocates, Richard Vega, had the idea of calling a press conference during the calm of recess in the shadow of an elevated freeway in Sacramento, at which he extolled the system's virtues. Hitchhiking shouldn't be viewed as begging, Vega argued, but as a recognized means of rapid transit. In Poland, he explained, hitchhikers are licensed to help assure motorists that they will only be asked for a ride. The duly licensed hitchhiker then is issued a book of coupons with which he "pays" for any rides at the rate of one coupon for every 30 miles or so. Participating motorists can turn in the coupons and take part in drawings for prizes. So it was that on a damp and windswept Sacramento sidewalk the world was introduced to the California Hitchhikers Lobby, whose motto might be, "We're All Thumbs", however that would be rendered in Latin.

Rush to judgment?

At least one set of those interim hearings was held by a group of non-legislators as a result of a flurry of bills relating to public employe relations — a touchy subject these days as the existence of Propositions 15 and 16 suggests. Speaker Bob Moretti asked five outside experts to explore public employee relations and report their findings to the Legislature by December 30th. Now, some forces in the state appear to be alarmed by the competence of the Assembly Advisory Council on Public Employee Relations and the thoroughness of its hearings. They would like to revive a bill now reposing on the Assembly's inactive file, SB 1440 (Dills), and rush it into law before the panel can make its recommendations. A question of the lesser of two "evils", apparently.

A note on voter 'apathy'

Amid reports of voter apathy across the land, *California Journal* dutifully went about its business of analyzing the 22 statewide propositions decided November 7th and ordered 5,000 copies of a booklet gathering together the articles from the August, September, and October issues. Demand for the booklets exhausted that original printing about as anticipated.

Toward the end of that batch, however, the commercial press began to lend its voice to the cause, and a second printing of several thousand was ordered. That was impressive enough in this year in which voter apathy was widely assumed among those who interest themselves in such matters. While the demand spread the length and breadth of the state, as radio and television plugged away, the single greatest surge came the day San Francisco columnist Herb Caen devoted two sentences to "the best available" analysis of the ballot propositions. People streamed in off the street to pick up copies. The telephone rang incessantly. Then, the Bay Area mail arrived. It filled a large cardboard box the first day, two the next, leaving our mailman scratching his head; we'd always run a nice, quiet little nonprofit business here in the blue-and-white building on 10th Street.

Well, it was certainly nonprofit with a vengeance, since we had undertaken, as a public service, to distribute the reprint at less than cost. The original 5,000 printing finally passed the 17,000 mark, and the last-minute rush forced us to devote 32 of the 35 cents we had asked just to cover first-class postage. More than compensating our loss, however, was the demonstration of voter interest, not apathy, that underlies the very existence of this magazine.

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Court's Ruling on Environmental Impact Reports Puts Pressure on Legislature

In 1971, a group of residential property owners in the Mammoth Lakes area, led by former Olympic skier Mrs. Andrea Mead Lawrence and calling themselves Friends of Mammoth, brought suit in superior court, charging that the Mono County Board of Supervisors had wrongly issued a building permit to International Recreation, Ltd. The development firm had asked for the permit in order to construct condominiums, shops, and recreational facilities on a 5.5-acre parcel at Mammoth Lakes, where, over the past five years, second-home subdivisions, condominiums, and shopping centers have sprung up as in a conservationist's nightmare. The supervisors had routinely approved the permit knowing of the growing local opposition to further development but believing they had no justification for turning down the project had they wished to do so.

But, said the Friends of Mammoth and their attorney John C. McCarthy, there was indeed justification for halting the project, and that was that the Mono County Planning Commission had not filed an environmental impact statement as required under the state's 1970 Environmental Quality Control Act. They cited Section 21151 of the act, which states, "All . . . local governmental agencies [except those having an officially adopted conservation element in their general plan] shall make an environmental impact report on any project they intend to carry out which may have a significant effect on the environment . . ." As evidence that the proposed project would have a "significant effect" on the environment, they pointed to their own strong interest in the matter. To this, the attorney for the Mono County Board of Supervisors replied that the state law applied only to public projects, that the law was never intended to cover private development, and that, therefore, no environmental impact report was required. The trial court agreed, as did the court of appeal to which Friends of Mammoth next took their case. McCarthy was convinced that the lower courts were wrong, however, and carried an appeal to the California Supreme Court, which agreed last spring to hear the case.

Issue undecided

The question at issue was one that the Reagan administration had been wrestling with ever since the 1970 act had been signed into law. The state law had been closely patterned after the National Environmental Protection Act passed by Congress a year earlier, which dealt with development of all kinds, private as well as public. The state act, however, did not explicitly define the key term "project". Instead, it directed the newly created state Office of Planning and Research to develop the necessary guidelines for the preparation of impact statements in conjunction with appropriate state, regional, and local agencies. In May 1971, the Resources Agency, in which the Office of Planning and Research is located, approved a set of guidelines for the preparation of impact reports employing a narrow interpretation of the term "project". According to these guidelines, the term includes any major work segment involving siting, land purchase, design or construction activities, utilizing state or federal funds and carried out by any or all levels of government, which may have a significant effect on the environment. The guidelines were approved only on an interim basis, however, because of charges that they fell far short of the intent of the 1970 act in providing environmental protection (see *California Journal*, January 1972, p. 20).

One of the strongest critics of the interim guidelines was Attorney General Evelle J. Younger, who charged that they emasculated the act as it had been passed by the Legislature. Both the Attorney General and the Sierra Club argued that, among other things, the guidelines gave a much too narrow definition to the word "project", that all the state and local agencies that are concerned with the actions of individuals, corporations, and other public agencies must do so with proper consideration for preventing environmental damage, and that this responsibility extends to the issuance of permits and licenses to private individuals and corporations as well as to public works projects. The authors of the guidelines, as well as the consultant to the Assembly committee that drafted the statute, contended, on the other hand, that the Legislature did not intend that impact statements should be required for other than "governmental projects."

When Younger failed to win his point within the administration, his Environmental Unit, headed by Deputy Attorney General Nicholas C. Yost, joined in the *Mammoth* case, filing an *amicus curiae* brief with the Supreme Court in which he argued that the Legislature had clearly intended to cover private as well as public projects. The term "project", said the brief, includes activities undertaken directly by state and local agencies; activities supported in whole or in part through state or local government agency contracts, grants, subsidies, loans, or other forms of financial assistance; and activities that require from a state or local agency a "lease, permit, license, certificate or other entitlement for use."

On September 21st, the Supreme Court announced its decision, stating that under the terms of the state law an environmental impact report must be prepared for every construction project, private as well as pub-

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lic, that may have a significant effect on the environment (see *California Journal*, October 1972, p. 316). The decision was written by Justice Stanley Mosk and concurred in by all but one of his colleagues, Justice Raymond L. Sullivan. Citing several references in the act to the Legislature's concern for the current deterioration of the environment, and drawing on the federal law and the intent of Congress as well, the court came to the "ineluctable conclusion that the Legislature intended to include within the panoply of the act's provisions private activities for which a permit, lease or other entitlement is necessary."

The court did not limit this finding to Section 21151, but extended it to the entire act. Thus, the effect of the decision is that any private activity requiring state or local government authorization or assistance that may have a significant effect on the environment may require the preparation of an environmental report.

Reaction to the court's decision from local government officials and builders came quickly. The decision, they said, could tie up construction throughout the state, creating economic and governmental chaos. The Los Angeles County Board of Supervisors immediately returned 12 proposed zoning changes to its regional planning commission for reports on how private construction might effect the environment. San Jose's Mayor Norman Y. Mineta announced a temporary freeze on all new building permits for his city and said the city was also considering a freeze on all projects currently under construction. Similar actions were taken by city and county officials up and down the state. Los Angeles continued to issue permits, but attached to each a disclaimer informing the builder that he was proceeding at his own risk. The sense of near panic was widespread, although several other cities managed to stay calm and move quickly to adopt environmental impact report guidelines for private and public construction so as to comply with the court's decision without halting new construction.

Mass unemployment

By mid-October, union officials were predicting mass unemployment in the construction industry, as were state and local Chamber of Commerce spokesmen, several legislators, and Lieutenant Governor Reinecke (then serving as Acting Governor). "I can only say that there will be hundreds of millions of dollars of construction that will be stopped and are being stopped at the present time," he said. Warning of even more serious consequences, Reinecke said, "Conceivably, . . . drivers licenses will not be permitted simply because automobiles also contribute to pollution." (Said Attorney McCarthy of the near-hysteria among public officials, "I'm halfway expecting some county clerk to say he's not going to issue any more marriage licenses because he's not sure of the environmental impact of the couple on the community.") There were also reports that banks and other financial institutions were beginning to withhold construction loans, but bank spokesmen indicated only that they were being cautious and were developing guidelines of their own to make sure their lending policies conform with the court's decision.

In the meantime, however, the Assembly Committee on Local Government met for one day in Anaheim to hear suggestions for legislative action to resolve questions about the 1970 act. Before the hearing began, Attorney General Younger charged that some cities and representatives of private industry had reacted with "manufactured hysteria" that might be meant to "sabotage" the court's decision. Committee chairman Jonn T. Knox also commented that a number of cities and counties had reacted "almost hysterically", while others had acted calmly and effectively to meet the new requirements.

Questions to be clarified

The two principal questions left unanswered by the *Friends of Mammoth* decision are: (1) When must an environmental impact report be prepared for private activities requiring state or local government entitlement? and (2) What must be done in order to comply with the provisions of the act once it is determined that an impact report is required? Each of these two basic questions contain several different elements, however.

In answering the first question, for example, the Legislature must start by dealing with the "threshold" problem. This is a question of the meaning of the term "significant effect" with respect to private activity, a term that state law does not define. The proposed guidelines, which received interim approval in May, state:

> "Significant effect includes both beneficial and detrimental effects. The act also indicates that significant effect includes those that degrade the environmental, curtail the range of beneficial uses of the environment, serve short term to the disadvantage of long term environmental or utilitarian goals."

This definition was developed with state and not local projects in mind, however. In *Friends of Mammoth*, the court stated that the term "significant effect" may not be used lightly as a basis on which to excuse the making of impact reports, but must include activities that have any "non-trivial" effect on the environment. In a clarification issued on November 6th, the court said, however, that most projects for which permits are required are not significant enough to require an EIR.

A second element has to do with the "pipeline" problem. Many private projects require government entitlement at more than one stage in their development. Is an environmental impact report required at each step of the project requiring government entitlement? If not, what is the appropriate stage, and how is that to be determined? Neither the act nor the proposed guidelines clarify this area. A closely related problem is that of private property requiring permits from more than one public agency.

A third element of the first basic question is the problem of retroactivity. How does the decision affect continuing private projects requiring state or local government entitlement? The interim guidelines provide that projects for which initial funding has been approved and on which construction has been begun prior to the effective date of the act, (November 23, 1970) do not require an environmental impact report, unless there are to be major modifications of the originally authorized project. A Los Angeles judge ruled similarly in late October, but it will take action by the Legislature to settle the matter finally.

Bills pending

Two bills now before the Legislature deal with several of the questions brought to light by the *Friends of Mammoth* decision. One measure, AB 889 (Knox), awaits action by the Senate Governmental Organization Committee. AB 889 defines the term "project" as

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applicable to private actions, thus writing the *Mammoth* decision into statute, and defines "significant effect on the environment" according to the court's guidelines. Other substantive changes provided in this bill eliminate the exemption from the report requirements for cities and counties with a formally adopted conservation element in their general plans and place a 180-day time limit on commencing an action or a proceeding alleging non-compliance with various provisions of the act. In addition, there is a "grandfather" provision to exempt private projects currently under construction on the ground that both local government and private developers in such situations acted in good faith that no impact report was required.

The second bill, SB 545 (Moscone), awaits action in the Assembly Environmental Quality Committee. SB 545 does not include a definition of "project", but does attempt to pin down the phrase "significant adverse effect on the environment" and to answer the questions concerning the content of local impact reports and the procedure for their review. It also makes explicit the responsibility of the Office of Planning and Research to assist all public agencies, including cities and counties, in the preparation of the reports. A further provision, which goes considerably beyond clarification of the 1970 act, directs every public agency to require that all projects that they regulate not have a significant adverse effect on the environment, unless it is found that *all* of the following apply: there is no more prudent and feasible alternative to the project; the project will be undertaken in such a manner as to avoid or minimize its adverse effect on the environment; and the public benefit to be derived from such a project outweighs its adverse effect on the environment.

A rollback?

A third course of action that may receive legislative consideration is a complete rollback of the *Friends of Mammoth* decision. At this point, however, the politics of immediate relief seem to dictate a compromise. To have an immediate impact, any legislative action to repeal or clarify the *Friends of Mammoth* decision will require an urgency clause requiring a two-thirds majority vote for passage. Those interests that might attempt to rollback the decision must weigh their chances of winning against the possibility of losing at the cost of continuing the present confusion. Environmentalists, on the other hand, must weigh the advantages of maintaining a hard line in the process of clarifying the unresolved questions against the risk of alienating those interests. These include many developers and local governments that are not now pushing (publicly, at least) for a complete reversal of the court's position.

Content and process

The second basic question, that of compliance with the law once a report has been found to be required, has two elements: content and process. Current provisions of the act do not specify the content of an environmental impact report prepared by local governmental agencies, although in *Friends of Mammoth*, the court stated that those elements specified in section 21100 for state agencies must be included. This question may be answered by AB 301 (Priolo), which the Governor signed in August and becomes effective the 61st day after adjournment of the current session. This measure will require that environmental reports prepared by local agencies contain the elements specified in Section 21100, plus two additional elements: "(g), the growth-inducing impact of the proposed action," and "(h), the boundaries of the area which may be significantly affected by the proposed action."

As to the second element, the courts have treated the environmental impact report as basically a procedural requirement. With respect to the necessary procedures for preparing and reviewing the reports, and particularly those prepared by state agencies, the act provides that the responsible state official shall consult any government agency having jurisdiction by law or special knowledge, and the interim guidelines specify rather detailed review procedures for environmental reports prepared by state agencies. With respect to those prepared by local agencies, however, the act provides only that they be submitted to the appropriate planning agencies. The proposed guidelines do not specify a review process, since they do not deal with local agencies.

The questions of content and procedure for preparation and review of environmental impact reports on local projects are currently being litigated in the case of *Environmental Defense Fund, et al. vs the Coastside County Water District.* In this case, an appellate court has held that the designated planning agency had no statutory authority to determine the adequacy of an impact report. The appellate court also ruled that the courts have the duty to determine the adequacy of such a report, but not the validity of its conclusions, and found that the report in question was inadequate because it did not contain opposing expert opinions and did not cover the entire project. Thus, although courts have treated the environmental impact report as basically a procedural requirement, the *Coastside County Water District* ruling and several federal court decisions make it clear that the reports are not to be taken lightly.

No guidelines in view

Although publication of guidelines for preparing the reports on private projects would answer several of these questions, it is not likely to happen soon. The Office of Planning and Research did recently consider issuing "recommended" guidelines, but this effort was rejected by the Governor's cabinet. Instead, the Governor asked the Attorney General to seek a stay in the effective date of the Supreme Court's decision. Yet the question is far from closed, for on November 3rd the Planning and Conservation League announced that it was filing suit with the Supreme Court to force the Office of Planning and Research to adopt guidelines.

In response to the Governor's request and the general confusion among local officials, builders, and others, the Attorney General filed a petition with the court on October 25th, seeking a stay in the effective date of the decision to the 61st day following the adjournment of the 1972 session, so as to give the Legislature time to enact legislation clarifying some of the unanswered questions. On November 6th the court denied a stay.

Corrections

In the October article on the legislative campaigns, Assemblyman John Vasconcellos was described as having supported the Marijuana Initiative (Proposition 19). That is not correct. Vasconcellos supported decriminalization of marijuana, but not the initiative.

The same article stated that former Assemblyman Charles B. Garrigus was defeated in 1966. In fact, he did not seek reelection.

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Continuing Criticism Makes the Future Uncertain For the Council on Criminal Justice

By Katherine Holmes

In March 1971, California Journal *carried an article dealing with the structure, responsibilities, and problems of a then relatively unknown federally funded "bonus baby", the California Council on Criminal Justice. The article pointed out that although the council had been hailed as California's first major innovative program for strengthening law enforcement, the courts, and corrections, in its first three years it had developed into little more than a pipeline for federal spending. Shortly after that article appeared, the council came under criticism from several other sources, including the Assembly Committee on Criminal Justice, several local agencies, and various members of the criminal justice system. Concern about its effectiveness spread back to Washington, where Congresss and the Nixon Administration had begun to show misgivings about the way federal assistance for criminal justice programs was being administered in several major states.*

A year and a half have now passed, and a number of steps have been taken to attempt to strengthen the program. It is time, in short, to take another look at the CCCJ and to ask whether it has begun to live up to its original promise or whether it remains little more than a pipeline for transmitting federal funds to local law enforcement and related agencies.

In 1965 and 1966, "law and order" began to emerge as a major concern of the American people and their representatives in Washington and Sacramento. Campus disorder, ghetto violence, a growing fear of organized crime, and constantly rising crime statistics of all kinds combined to make crime and violence an issue that few politicians could safely ignore. One response in Washington was creation of the President's Commission on Law Enforcement and Administration of Justice, which was directed to study the whole issue of crime in America and to recommend counteraction. The commission completed its study in 1967 and published a lengthy report entitled *The Challenge of Crime in the Free Society.* The theme of the report was that although the danger of crime has risen and there has been a breakdown of community-police relations, it was still possible to reverse the trend and to bring about a significant reduction in crime. This could be done by upgrading state and local law enforcement agencies, modernizing police methods, improving the collection and reporting of crime statistics, and directing new attention to the problems of court procedures and corrections policies.

There was general agreement with these findings among the members of criminal justice agencies across the country, but state and local officials said that lack of funds made it impossible for them to undertake new and improved law-enforcement programs. By late 1967, however, it became evident that the federal government was preparing to step in to provide the money, and many states, including California, began to set up machinery to handle the anticipated federal aid. It so happened that in California newly elected Governor Ronald Reagan was at the same time putting together a legislative package to follow up on the hard line on law and order that had helped to elect him. For once, state and federal planning meshed.

Deukmejian-Moretti act

With strong backing from the Governor and bipartisan support in both houses, the Legislature passed and Reagan signed the Deukmejian-Moretti Act. Among other things, the act established the 29-member California Council on Criminal Justice, made up of representatives of a wide range of criminal justice agencies. It was charged with evaluating state and local anticrime programs, encouraging development of comprehensive plans to strengthen all aspects of criminal justice, and stimulating research and development in new methods of reducing and preventing crime. In 1968 as expected, Congress passed the Omnibus Crime Control and Safe Streets Act creating the Law Enforcement Assistance Administration in the Department of Justice to oversee a system of block grants to local and state governments to be administered in each state by a statewide planning agency. In February 1969, the CCCJ was designated by Governor Reagan as California's state planning agency, and the money began to flow.

Statewide planning

As the state's criminal justice planning agency, the council must submit to the federal Law Enforcement Assistance Administration an annual statewide plan outlining the state's proposed criminal justice activities. In return, the council receives yearly funding, of which 75 percent (as required by federal law) is allocated among the council's 21 planning regions according to a formula based on each region's juvenile population, adult population, arrests for seven major offenses, total adult arrests, and total juvenile arrests. The regional bodies then channel these funds to local government agencies as matching grants that range from $1 to $3 in federal aid for each $1 of local funds. The council allocates the remaining 25 percent of the annual federal grant to state and private agencies.

The council now consists of 30 members: the At-

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Katherine Holmes is a graduate criminology student and free lance writer.

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While the Legislature Studies New Logging Rules, The State's Privately Owned Timber Reserve Dwindles

BY DOUG DEMPSTER

For years, travelers along the Redwood Highway, U.S. 101, knew in a general way that logging was going on in the redwoods; enough heavily loaded diesel trucks came thundering out of the fog to make it anything but a secret. But the harsh reality of what was being done didn't register until about 10 years ago, when one company, Arcata Redwood, cut the giant trees right down to the road, in full view of the passing motorists on this world-famous stretch of scenic highway. That one clear-cutting operation — though perfectly legal under California's 1945 Forest Practices Act, which regulates logging on the state's private forest lands — became a major weapon for conservationists. Over the next few years, they circulated photographs of the shorn area, finally pressuring the federal government into establishing a Redwood National Park in the state's northwest corner. And, perhaps more importantly, the publicity focused public attention for the first time on the logging industry, how it goes about its business, and how some of its practices endanger California's timber resources.

Last year, public resentment was again aroused when another firm, Simpson Timber Co., proposed clear-cutting 145,792 acres of northern California, removing almost every tree on 228 square miles, and got the state Board of Forestry to agree to the plan. This proposed cutting would also have been perfectly legal under the 1945 act, but this time the opposition of conservationists, some legislators, and state officials was mobilized before it could be carried out. The state board eventually reversed itself, as did Simpson, after company officials warned that the state board's original decision might embarrass Governor Ronald Reagan.

A few months later, in September 1971, the First District Court of Appeal, ruling in the case of *Bayside Timber Co. vs San Mateo County*, held much of the 1945 Forest Practices Act to be in violation of both the U.S. and the California constitutions because of an improper delegation of public authority to private interests. (The company had maintained that the state Forest Practices Act took precedence over county law, under which Bayside's permit to log had been rejected, and the county successfully countered that the state law was unconstitutional.) Under the act, the court observed, "... without agreement of the private timber ownership, no power in California has authority to impose rules to insure reasonable environmental and public protection from logging abuses. . . . It is most certainly a truly fundamental issue whether the state's environment and ecology and the public generally are to be protected by law from harmful practices of the logging and timber interests."

In short, the 1945 act to regulate logging operations served timber interests better than it served the public interest. The law divided the state's forest lands into geographical zones, and created four regional Forest Practices Committees to supervise those zones and to draw up logging rules for each. The state Board of Forestry was responsible for reviewing and enforcing compliance with those rules. The fundamental problem that the court pinpointed was that the regional committees and the state board were dominated by interests dependent upon turning a profit from forest land. Four of the seven members on each of the regional committees came from the timber industry, two were public members, and the seventh, who voted only in case of a tie, came from the state Division of Forestry. The state board, an agency of the Department of Conservation, is composed of three members drawn from the timber industry, two representing agriculture, one representing water users, and two who are public members.

The upshot of the *Bayside* decision was to throw out the state's only body of law regulating forest practices. The timber industry's initial reaction was that the constitutional problem could be solved merely by revising the membership of the four regional committees. But Assemblyman Edwin Z'berg of Sacramento County, who with Assemblyman Charles Warren of Los Angeles and others had been trying to toughen the Forest Practices Act since the mid-1960s, had other ideas. "Rather than tinker with the old act, we saw an opportunity to write a new one," recalls Z'berg, chairman of the Assembly Natural Resources Committee.

Four bills introduced

Thus, as the 1972 Legislative Session began, a fight between the conservationists and the timber industry was assured. In all, four bills relating to forest practices were introduced, but by early summer a stalemate had developed and the only bill signed into law was SB 183 (Marler), a stopgap measure giving the state Board of Forestry authority to set up temporary logging rules pending enactment of legislation replacing the invalidated 1945 act. Two of the remaining bills, including the one sponsored by the timber industry, are awaiting action in Z'berg's committee, but Z'berg's own measure, by far the most comprehensive, had been killed in the Assembly Ways and Means Committee

Z'berg's bill, AB 2346, was based on testimony received by his committee in hearings held in 1971 and 1972 and on a report that the committee commissioned

Doug Dempster is a Sacramento-based journalist with a special interest in the environment.

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from the Institute of Ecology at the University of California, Davis, entitled *Public Policy for California Forest Lands*. The bill sought to prevent erosion and stream disturbance by prohibiting the use of heavy equipment in and beside streams and the cutting of trees bordering streams and roads. It also sought to require "restocking" the harvested land on a one-to-one basis (an acre cut, an acre replanted) and to assure compliance by requiring that loggers put up a performance bond, much as building contractors do.

The timber industry, represented by John Callaghan, Executive Vice President of the California Forest Protective Association, charged that Z'berg's proposal "strikes right at the heart of private-property rights" — the right of a property-owner to grow timber or not as he sees fit. In addition, the industry opposed AB 2346, Callaghan said, because the restocking requirements were too specific and allowed insufficient time for regeneration of some tree species, and because the provisions protecting trees along streams and roads constituted inverse condemnation (the seizure of private property). Using heavy equipment in streams is sometimes the least damaging place to operate it, Callaghan told legislators, but added that the industry would cooperate if "reasonable" requirements were set.

Callaghan also says that there was a further danger in the Z'berg bill in that it incorporated by reference the UCD study, which speaks of "certain social goals . . . [such as] maintaining the attractiveness of forests and their suitability as environments for wildlife and man". Such language, Callaghan says, could some day lead a court to go beyond the literal intent of the law and force additional burdensome requirements on loggers, just as the state Supreme Court has recently ruled that private builders are covered by the state's 1970 Environmental Quality Act (see page 324).

Two bills alive

With SB 183 passed and AB 2346 dead, two bills are still before the Legislature: the industry's bill, SB 1326 (Collier), and a compromise measure, SB 361 (Nejedly). Both bills cleared the Senate before the recess and are now pending before Z'berg's Committee on Natural Resources. The industry's bill retains the present composition of the Forestry Board but, taking the *Bayside* ruling into account, increases the public membership on the regional committees; otherwise, it largely incorporates the 1945 act. SB 361 strikes something of a middle ground between the conservationists and the industry. It reconstitutes the state board so that a majority of its members represent the general public, but leaves forest-restocking requirements vague, rather than specific, as in the Z'berg bill, or up to the regional committees to set, as in the 1945 act.

Forest resources

The provisions of these four bills all apply to the roughly 8 million acres of privately owned commercial timberland in the state. This private commercial timberland, as described by the UCD report, ranges north along the Sierra Nevada to the Oregon border, and along the coast range north from Santa Cruz. A broad belt of forest land connects these two ranges in the Siskiyous and Cascades at the northern end of the state. As a result of practices under the 1945 act, nearly twice

FOREST PRACTICES LEGISLATION

Four bills were introduced in the state Legislature this year dealing with forest practices. They were the product of growing concern over the environmental effects of logging and the uncertainty brought about by a court ruling that made much of the 1945 Forest Practices Act unconstitutional. One bill, SB 183 by Senator Fred Marler, was passed; it simply grants the State Forestry Board power to make emergency rules pending action on a more comprehensive measure. While the other three bills are complex and difficult to compare, some of their essential points and their legislative status are listed below.

	1945 Act	Z'berg (AB 2346)	Collier (SB 1326)	Nejedly (SB 361)
Board membership	8-member Forestry Board (3 timber, 2 agriculture, 1 water, 2 public)	7-member Board of Forestry Resources (3 timber, rest with broad ecological background)*	No change from 1945 Act	9-member Board of Forestry (5 public, 3 timber, 1 agriculture)*
Committee membership and duties	7 members (4 timber, 2 public, 1 state). Broad rule-making power (deemed unconstitutional, 1971)	5 to 9 members (broad range of backgrounds).* Advisory to board	8 members (4 public, 3 timber, 1 agriculture). Advisory to board	8 members (4 public, 3 timber, 1 agriculture).* Advisory to board
Restocking of trees	Rules adopted by committees	Specific in act	Broad in act	Broad in act
Performance bonds	No	Yes	No	No
Local option to enforce stronger regulations	Marin, Napa, Santa Clara, Santa Cruz counties	All counties	Marin, Napa Santa Clara Santa Cruz counties	All counties
Status	Invalidated in part by court ruling	Killed in Assembly	Pending in Assembly	Pending in Assembly

*Majority may not have an economic interest in timber.

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as much timber is now being harvested on these lands as is being replaced, and about 20 percent of available private timberland is either treeless or understocked. The objective of any new forest practices act, the UCD study declares, must first be to halt this trend and then, through intensive forest-management practices, to triple the forest growth-rate so that within 50 years a balance is struck between cutting and growing rates. In testimony before Z'berg's committee, Professor H. L. Vaux of the School of Forestry and Conservation at the University of California, Berkeley, stressed the importance of maintaining the timber resources. Though metals and plastics are possible substitutes for wood, he explained, wood is renewable without drawing on other resources as long as the soil is preserved, while many wood substitutes are not. Further, wood is biodegradable and requires relatively little energy to be transformed for use, Vaux said, citing the example of wood siding on a house, which requires only 15 percent as much energy and produces only 15 percent as much waste as aluminum siding.

Timber-related unemployment

The conservationists and the timber industry agree on one thing, and that is that timber-related unemployment is severe and growing. In 1971, unemployment averaged 7 percent in California, but the rate was 11.1 percent in the lumber counties of Del Norte and Plumas, 9.5 percent in Mendocino County. The industry says that legislation like Z'berg's bill will only aggravate unemployment by slowing timber harvesting as a result of unnecessary restrictions on logging operations and the requirement of "one-for-one" reforestation. But conservationists say that without strict reforestation requirements the timber industry will continue to use up the resource upon which it depends, eventually driving itself out of business.

It is possible that either the industry-sponsored bill, SB 1326, or, more likely, Senator Nejedly's SB 361 will make it out of Z'berg's committee and be passed in the next month, but not if Z'berg can help it. His committee held a pair of hearings this fall, and Z'berg plans to revise his bill to meet some of the industry objections, which he recognizes he must do to win passage for it this year or next. He now says he will agree to easing the bonding requirements to allow waivers to logging firms with good records and to permit refunding the bond premiums by stages as cutting and replanting are carried out. The chief threat to timber resources, Z'berg has said, lies not so much with the big, well-established companies as with 'gyppo' operators — "anyone with a pickup and a chain-saw," as one aide describes them — who contract to cut on someone else's land, laying waste to it in the process. "They don't care about erosion and reforestation," Z'berg said, because they never plan to come back." Z'berg will also eliminate what proved to be something of a red flag in the eyes of the industry — language referring to esthetic considerations as a reason for requiring removal of slash and debris from along roadsides. "We'd require it based on the need for fire protection, as other states do," he said, "and avoid reference to esthetics." The real point of the legislation, as Professor Vaux has pointed out, is to protect the soil that furnishes the timber and to provide for the adequate restocking of harvested trees.

With such amendments, Z'berg apparently has not given up hope of either resurrecting AB 2346 in the Ways and Means Committee or incorporating its substance in the bill most likely to get out of his committee, Nejedly's SB 361. He has indicated, however, that his preference is to make a fresh start in 1973.

Taxing timber

A closely related issue that is likely to come up next year is that of the way in which timberland is taxed. Neither conservationists nor loggers like the present system. Timber-growing property is taxed now for both its value as land and its value in timber. Under a 1926 constitutional amendment, however, trees less than 40 years old on tracts where 70 percent of the original timber stand has been cut are exempted from taxes. As a result, there is a strong incentive for loggers to cut their timber just before it reaches the 40-year level. Yet, that is also about the age when most species of trees begin their maximum growth. Moreover, some landowners, especially the smaller ones, say that big jumps in their property taxes resulting from rising costs of local government and from higher assessments reflecting bordering non-forest uses (such as second-home tracts), have caused them to increase their cutting just to pay their taxes.

The UCD study of forest practices describes how the present tax system works against effective forest management. "The general property tax must be paid each year by owners of all private timber except that subject to constitutional exemption," it explains. "The longer the period during which an owner holds timber before cutting it, the more years for paying taxes on it. Thus, unless the timber grows in value sufficiently to offset the annual property tax, interest on the total timber investment, and other costs of holding timber, there is a direct financial incentive to liquidate the timber holding by cutting at the earliest practical date. The general property tax is only a fraction of the total annual holding cost, but it is substantial and takes on great additional practical importance because it represents an out-of-pocket cost which the owner must finance from some other source if he wishes to avoid cutting the timber." The study also points out that the property-tax system does nothing to encourage good forestation practices, since the land-owner who leaves a fragile section of terrain in forest in the public interest is still taxed on the full cash value.

Of the solutions proposed in the UCD report, a "yield tax" levied only when trees are cut may hold the most promise since it would remove the tax incentive for harvesting trees young in order to offset property tax payments.

The pressure's on

As matters stand, the state's forest practices regulations are being maintained as temporary rules that will expire after six months (in early January), unless renewed on the basis that an emergency continues to exist — the emergency created by the *Bayside* decision. The Legislature's ability to deal with this emergency, either in the remaining days of this session or in the next, depends on whether the opposing viewpoints of the conservationists and timber interests can be reconciled. There is strong pressure for reconciliation, since the court is not likely to look on benignly as temporary rules, under SB 183, are renewed every six months. And as the cutting rate continues to outrun the timber-replacement rate, with no foreseeable easing in timber demand, the threat to California's forest resources grows with each passing day.

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CCCJ *(Continued from page 327)*

torney General, who serves as chairman, 17 members appointed by the Governor, six members selected by the Assembly, and six members named by the Senate. In addition to the Attorney General, the present membership includes two judges, a businessman, five state administrators, a local government representative, two attorneys, a chief of police, two county supervisors, a district attorney, five state legislators, a sheriff, a mayor, a public defender, a criminologist, a probation officer, a peace officers' representative, a county supervisors' representative, and the Governor's Legal Affairs Secretary. Actual control of the CCCJ, however, has long rested in the hands of the seven-man Executive Committee. This committee, formed when it became evident that a part-time, 30-member council meeting monthly could not handle its responsibilities, is charged with developing council policy and procedures, handling personnel matters, and offering guidance to the executive director. The committee, whose members are appointed by the council chairman subject to ratification by a two-thirds majority of the council, also has the power to take action between council meetings on matters believed to require immediate attention. These actions can include important decisions on pending legislation and the council's budget.

Task forces

Assisting the council are 10 "task forces", one for each of the principal areas of interest of the LEAA and CCCJ: law enforcement personnel; crime prevention; juvenile delinquency prevention and control; detection and apprehension of criminals; prosecution, courts and law reform; corrections and rehabilitation; organized crime; riot prevention and control; community relations; and research and development. Each task force consists of a CCCJ member, who serves as chairman, and a panel of experts appointed by the council. The task force is responsible for the yearly development of a program statement recommending scope, emphasis, and priorities for funding its program areas. These program statements make up a large part of the council's state plan and are used to help the council determine its priorities for funding.

The council also uses a system of regional planning units to assist it in allocating the federal funds. There are 21 regional criminal justice planning boards headed by a professional regional planner and backed by appointed representatives from local government, criminal justice agencies, and interested citizens. The boards are responsible for planning, developing, and evaluating criminal justice improvement programs within each region. They are required to submit a yearly criminal justice plan for their regions and to do the initial screening of projects submitted by local government agencies and private organizations for grant funds.

The council has a civil service staff of more than 100 positions, headed by executive director Robert H. Lawson. Twenty-seven staff positions are assigned to the 10 task forces, 17 are assigned to proposal review, monitoring and auditing, 10 to assist regional and local planners, and the rest spread over a variety of supporting and administrative services.

In 1968-69, the CCCJ received only a little more than $2 million from the federal Law Enforcement Assistance Administration, but since then the amount of federal funding has grown rapidly. The 1971-72 allocation was more than $40 million, bringing the four-year total to more than $93 million. As of October 1, 1972, more than $23 million in grant funds from 1970-72 had yet to be awarded, however. For 1972-73, the council is expected to receive $46.5 million in federal funds to be matched by $4.5 million in state funds.

Efforts to strengthen CCCJ

Sensitive to charges that it has failed to fulfill its promise, the council has taken several steps over the past year and one-half to make itself more effective. For one thing, the council chairman, Attorney General Evelle J. Younger, has shown more interest in his duties than did his predecessors. Younger, who like many of the other state and local officials, finds that his regular duties often keep him from full participation in council matters, has appointed his son, Eric E. Younger, a former policeman and deputy sheriff in Los Angeles County, to serve as his special assistant for liaison with the council.

The council has also acted to delegate greater responsibility for planning to its regional planning units, according to what it calls a "regional systems approach" to criminal justice planning. Under this approach, each of the 21 regions is expected to develop its own statement of goals and priorities within the framework of the council-established goals for the state, and to submit a yearly plan and list of projects recommended to carry it out. Each regional plan is then reviewed and certified, first by the council staff and then by one of five special plan review committees. Upon certification, the plan review committee then makes its recommendation (for example, "do not fund", "fund without further council action", "approve in principle", on each project proposal. These recommendations are then forwarded to the council for final approval.

About the time this procedure went into effect, the directors of the regional planning units got together to set up the Regional Criminal Justice Planning Directors Association. Its purpose is to help the regions to develop a common approach to the council, to serve as a regional spokesman to the council and council's staff, and to foster better interregional communications. The association has pushed for clarification of regional planning guidelines; involvement in developing the regional allocation strategy; continuation of the present 75%-25% division of grant funds between local governments and state and private agencies; formation of a series of regional resource, education, and training centers; and a clear statement of council policies and priorities. Since its formation in December 1971, the association, which at first felt it was not taken seriously by the council, has become a strong spokesman for regional viewpoints, and now sits (at the council's invitation) as a non-voting member of the Executive Committee.

High-impact program

Last January, the federal Law Enforcement Assistance Administration, also under heavy criticism, announced with considerable publicity a new "high-impact" program to focus $40 million in existing grant funds on a program to reduce burglary and street crimes in eight large cities (none in California). Nine months earlier, however, the CCCJ had begun its own high-impact program. In April 1971, $1.5 million in CCCJ funds were allocated to an intensive crime-reduction program aimed at cutting burglary in six target areas: the Palms-Mar Vista area in Los Angeles, Bellflower,

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eastern Oakland, southern Orange County, northeast San Diego, and the Mission District in San Francisco. One or more of the following tactics is being tried in each area: distribution of checklists of security measures for residential and commercial properties; designation of security centers where citizens can receive information on burglary prevention and hardware; seminars for law enforcement personnel on crime-prevention methods; free residential and commercial inspections for security deficiencies; team-policing utilizing patrol officers, detectives, and traffic officers to patrol specific areas; citizen-police liaison committees; "store-front" police centers; community-relations meetings involving police and community residents; and mass mailings of burglary-prevention information. The CCCJ already claims marked decreases in the crime of burglary in several of the target areas (although there also seems to be evidence that burglary has increased in several of the communities surrounding the target areas), and says that the program has also improved police-community relations and established California's leadership in this new program concept.

Critics not satisfied

But despite these and other actions, criticism of the CCCJ has, if anything, grown. Many within the criminal justice system, regional planners, legislators, and members of other organizations interested in the development of law enforcement, the courts, and corrections, who had refrained from commenting on the council's effectiveness, apparently, while it had a chance to develop its policies and procedures, have now become openly critical of how it is meeting its responsibilities. Among the most significant charges:

- *The council has failed to become a planning agency.* Since its inception, CCCJ has gone through some of the motions of planning, but in fact has simply responded to project proposals submitted to it, and it has not even succeeded in establishing clear guidelines for the kinds of projects it will fund. Even the CCCJ's own planning division has acknowledged the need for the council and the regions to do more sophisticated planning involving problem identification, strategy development, and the setting of clear standards, goals, and objectives. Regional officials and grantee organizations complain that the council offers little guidance as to what is fundable under current priorities. The regional planners also feel that more concise CCCJ guidelines are needed for preparation of the regional plans. In the absence of better guidelines, the practice has been to submit all available regional criminal justice information in the hope that the information necessary for certification by the plan review committees will be included. Regional planners have also pressed for acceptance of multi-year regional plans. Once a good, basic regional plan has been developed, they say, it is wasteful of their time and energy to do it all over again the next year, rather than simply updating it.

- *The council itself is a cumbersome body that functions poorly at best.* The 30-man council has been called totally unworkable by the Assembly Select Committee on the Administration of Justice. Council members, it is said, often do not show up for meetings, and when they do are seldom prepared to act on the measures before them. Much of the problem lies in the fact that all 30 council members hold full-time jobs elsewhere, often have conflicting schedules, and are spread about the state. Moreover, the voluminous information sent to each member prior to monthly meetings contains Executive Committee minutes, a long list of proposals to be voted on, and many other enclosures. Digesting this material is extremely difficult, and the more important subtleties and interworkings of staff, director, regions, and projects are probably grasped by only a few of the council members or their representatives.

- *The council is dominated by those interested in receiving the money to be handed out.* A criticism often voiced by persons outside the criminal justice system is that the council comprises individuals who in most cases represent the same groups who apply for CCCJ grants. The council has been further criticized for trying to please all segments of the criminal justice system, spreading its grant funds among as many organizations and agencies as possible. The result, the critics claim, is that too little money goes to too many applicants, negating any possibility of a concentrated program of crime control.

- *The council's internal structure and procedures further impede its effectiveness.* With an action grant flow chart that recalls a Rube Goldberg contraption, the council sits as a tangled mass of task forces and committees. Forced in 1969 to institute "any" form of organizational structure so as to be ready to allocate LEAA's first-year funding, and caught in the deluge of a 1,000 percent increase in funds in four years, the CCCJ has had little chance to rework and reorganize its operating structures and procedures. The result has been poor communication between various segments of the council. Moreover, some council members and staff serve in three or four capacities, a situation that often results in considerable confusion over who holds responsibility and authority in some areas.

- *Lax management.* In October 1971, the Auditor General completed a review of the administrative operating procedures of the CCCJ, and issued a report listing 31 management deficiencies in proposal processing procedures, reporting requirements for subgrantees, records management, financial audit responsibility, program monitoring, and management analysis. Many of the Auditor General's recommendations have been accepted and acted upon, but in several areas (notably project monitoring and proposal auditing), the deficiencies have not been corrected. The CCCJ complains that both of these problems have been caused by cuts in funding for additional personnel, but the Auditor General, while acknowledging a need for additional audit staff, also points to a lack of standardized procedures and reporting formats and controls to assure that projects receive monitoring and audits according to schedule.

- *Staff limitations.* While the CCCJ's staff has been credited with being both capable and dedicated, many of its high-ranking staff come from a single area of the criminal justice system — corrections.

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The council has also been criticized for not including more planners, researchers, and computer experts within its staff.

- *Too large a proportion of the council's grants go to purchase new law enforcement equipment.* While there has been a slight shift in emphasis in the past year, the council still maintains a basic belief that improved law enforcement hardware will significantly reduce crime. Of the $32,999,000 allocated by the council in 1971, $10,120,726 went to projects dealing with improved police communications, criminal justice information systems, crime laboratory improvements, coordinated law enforcement operations among jurisdictions, and upgrading law enforcement equipment, facilities and related staff. In the same year, only $599,406 was allocated to criminal prosecution, the courts, and law reform. This year, there has been a slight shift, with approximately $11.4 million granted to improve the detection and apprehension of criminals, and $2.4 million to improved prosecution, courts, and law reform.
- *Private groups cannot compete equally for CCCJ grants.* Many private organizations have expressed concern that, under the 75-25 percent formula set forth in the Omnibus Crime Control and Safe Streets Act of 1968, they must get local government agencies to sponsor their projects in order to have any hope of funding — they have no chance of competing with state agencies for the other 25 percent—and when they do get local government sponsors, they often lose control of their projects. "CCCJ policies in this area are merely reflective of the facts of life as created by the congressional statutes," Attorney General Younger has replied. "State agencies alone have the potential for over-subscribing the 25 percent of action funds allocated to them many times over; any policy requiring private agencies to seek local government sponsorship merely acknowledges the reality of this fact . . . We in government do not like to have to tell people to 'write your congressman' very often, but in this particular case, that is all that can be done."

Assembly study

Perhaps the strongest attack on the CCCJ to date came early this year when the Assembly Select Committee on the Administration of Justice released a report of its studies of the council's policies and procedures. The committee, made up of five Democrats and three Republicans, and chaired by Assemblyman Robert W. Crown, concluded unanimously that the council had not "set forth any clear and firm relations between goals, programs, projects, existing agencies, and funds and is in conflict with the state statute that established the council." The committee further charged that the council had scattered $60 million in federal funds over a wide array of programs rather that giving law enforcement in high crime areas first call on the funds, as required by federal law.

In February, Assemblyman Crown, with Senator Donald L. Grunsky as co-author, introduced two bills that would have transformed the structure of the council. The least controversial of the two measures, AB 684, would have authorized establishment of local criminal justice planning districts and boards, outlined their powers and duties, and, in short, strengthened regional participation in criminal justice planning. As both the regional planners and the CCCJ are quick to point out, under federal regulations the CCCJ is not required to use regional boards to assist with fund allocation or state planning. Although the CCCJ is not likely on its own to do away with regional participation, AB 684 would have given the Legislature's approval to the existing 21 regional boards and would have acknowledged the role of regional planning in the state's criminal justice system.

AB 375 was a different matter. It would have replaced the existing 30-member council with a five-member body called the California Criminal Justice Board, whose members were to represent law enforcement, local government, courts, corrections, and research or systems technology as full-time, paid state employees. The 30-member council was to be retained only as an advisory committee to the new board. In a press release issued on the date of AB 375's introduction, Crown was sharply critical of the unwieldy 30-member council and its inability to manage effectively the $100 million in federal funds that had been poured into California in the last few years. He charged that the present council was top-heavy with state personnel and unresponsive to the problems and needs of local government and personnel most responsible for administering justice in the state. "The council somehow [has] failed to get the $4 million required as state contribution to local projects into the 1972-73 State Budget," Crown said. "That is a good example of what I mean by unresponsive to local needs." As to its planning ability, Crown commented, "The 1972 state plan for spending the federal money looks better than the last plan, but still seems to have been written by people who are well-meaning, but inexperienced. It doesn't insure that the performance and working conditions of policemen and corrections personnel will be improved, yet these are key problems in California."

Analyst's recommendation

His proposed five-member board, Crown said, followed closely the recommendations of the Legislative Analyst, A. Alan Post, in his analysis of the 1972-73 state budget. Post, while crediting the council with producing a state plan that "demonstrates significant progress toward realistic and useful planning", had recommended that the 30-member body be replaced by a five-member, full-time council. Crown's plan appeared to have been taken directly from Post's recommendations. Nevertheless, AB 375 met with immediate and vigorous opposition. Speaking on behalf of the council, Deputy Director Bernard P. Donnely said that the present council included strong local government representation and was far more responsive to local needs and problems than five full-time state employees could ever be. Additionally, said Donnelly, the Law Enforcement Assistance Administration had already indicated that a five-man board would conflict in several respects with federal law. "LEAA has strong concern that the council be highly representative — indeed, it would appear that LEAA and the council are far more concerned than Mr. Crown." The council's staff had collaborated with local government and criminal justice officials in preparing the 1972 state plan, he said, and it had been cited by knowledgeable law enforcement and criminal justice leaders at all levels as thorough, thoughtful, and highly cognizant of the real problems of California's criminal justice system. "We believe the council, given its pres-

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ent leadership and direction, is becoming a strong force for reducing crime and improving the criminal justice system."

Aware of the opposition he faced, Crown sought to gain additional leverage by amending the annual budget bill to deny funding to the existing council should AB 375 be defeated. This was done by providing that the 1972-73 CCCJ state funding should be available for only 60 days following adjournment of the 1972 session. After that deadline, the funds would go to the successor agency provided in AB 375. Crown's opponents charged him with "legislative blackmail", but discovered the budget action too late to do anything about it. AB 375 was passed by both houses and sent to Governor Reagan.

The federal law is extremely general in its language regarding the composition of the council. Section 203 of the Omnibus Crime Control and Safe Streets Act of 1968 states that the planning agency shall be subject to the jurisdiction of the Governor and shall be representative of law enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime. Although most states have interpreted this passage to require large multimember boards, Crown believed his proposed five-man council to be well within the intent of the law. If LEAA challenged the point, Crown was prepared to call a public hearing on the matter and to get the federal government to make a formal ruling on just what was required in order to make state law conform with federal law.

But he never got the chance. On August 25th, 1972, Governor Reagan (who knew from experience how pliable the federal government can be on matters of conformity) vetoed both bills, repeating the arguments advanced earlier by Donnelly. For several weeks following the vetoes, there was considerable uncertainty as to what effect the Governor's action would have on funding for the council. The 1972-73 state budget seemed to state clearly that 60 days after the end of the 1972 session only the five-man board was to be funded unless "AB 375 results in the California law being declared out of conformity with federal law by the appropriate federal agency." However, on October 4, 1972, the Legislative Counsel issued an opinion stating that despite the budget language, it would be legal to continue to fund the 30-member council beyond the 60-day limit.

Assemblyman Crown has indicated that he has little interest in carrying a similar bill again next year with the sure prospect of another veto by the Governor. However, another legislator, Senator W. Craig Biddle, intends to carry a bill to provide for "creation of a new State Criminal Justice Commission made up of five public members and five professional members appointed by the Governor with broad general authority to set standards, oversee, continuously evaluate, and make recommendations on the administration of criminal justice statewide."

Response to criticism

Despite its placid facade, the council has not been insensitive to the criticism aimed at it. It seems to be fully aware that, if it doesn't make some significant changes in procedures and policy itself, the Legislature, or perhaps even the Governor, will make those changes for it. Indeed, the council now has before it a plan for internal reorganization drawn up by its staff with the aid of the regional planning directors. The new structure is expected to condense the 10 existing task forces into three — police, courts, and corrections; reduce the number of council meetings to six per year and limit the agenda to policy questions; handle project approval at the staff level; and allow the regions to submit multiyear plans. These changes have already been approved by the executive committee, and will probably be voted on by the full council in the near future.

There is also reason to believe that the Governor may be preparing to reorganize the CCCJ early next year. On August 24, 1972, the council approved a grant proposal submitted by the Governor's Office to establish a five-man, full-time committee to make a comprehensive six-month study of law enforcement problems in California. The group is to be called the Governor's Select Committee on Law Enforcement Problems and is to have as its goal the identification of "those problems that could be most effectively solved by state action." After identifying these problems, the committee is to recommend to the Governor "specific projects and programs directed toward solving these problems." A CCCJ member, Vernon Grose, who is Vice President of the Tustin Institute of Technology, resigned his position on the council to become a member of the Governor's committee. When it later became apparent that the committee was not only to utilize council funds but council staff and facilities as well, the question arose as to why the CCCJ was funding and staffing a six-month study to do what the council is supposed to have been doing for the past four years — that is (quoting from a CCCJ pamphlet) : "Advising the Governor, Legislature, and state and local criminal justice agencies regarding criminal justice matters." The question remains to be answered.

A parallel study

Interestingly, this study seems to parallel a study initiated on the federal level by the LEAA in response to the heavy criticism it has received from Congress. Late in 1971, LEAA established a special commission to set goals for the agency. As reported by *National Journal*, congressional complaints that LEAA either lacked goals or was unable to evaluate its programs in relation to its goals, led to creation of the National Advisory Commission on Criminal Justice Standards and Goals, chaired by Governor Russel W. Peterson of Delaware. According to LEAA administrator Jerris Leonard, the purpose of the federal study "is to establish, for the first time, national goals, performance standards, and priorities to help every criminal justice planner in the nation chart where he is, where he wants to go, and how to get there". This, too, sounds very much like what the agency itself was supposed to be doing. (To add to its problems, LEAA's staff is now being cut to one-third of what it was at mid-year.)

So after nearly four years of existence, the future of the California Council on Criminal Justice remains very much in doubt. Much depends on its ability to reorganize itself to carry out those functions assigned to it by law, and on the ability of the LEAA to do the same at the federal level. It is evident that the Nixon administration will not easily abandon its first experiment in special revenue-sharing with the states, yet it is also evident that neither the California Legislature nor the Congress is willing to sit by and watch a program that promises so much more than it so far has seemed able to deliver.

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Complete Election Results

General Election

November 7, 1972

Tabulated on the following pages are the results of the November 7th General Election for President, Congress, state Senate and Assembly, and state ballot propositions. Results were obtained from the Secretary of State but remain unofficial until certified at a later date.

Incumbents are capitalized, winners are underlined and party designations are: Democratic, D; Republican, R; American Independence, A; Peace and Freedom, P; and Independent, I.

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SUMMARY OF RESULTS: GENERAL ELECTION NOVEMBER 7, 1972

	Democratic	Republican	% Dem. of Two-Party	Totals (all parties)
Registered Voters	5,864,745	3,840,620	60.4	10,466,215
President	3,431,824	4,544,134	43.0	8,259,900
House of Reps.				
Votes Cast	4,161,984	3,719,898	52.8	8,007,166
Seats won/change	23/+3	20/+2		
State Senate				
Votes Cast	2,227,767	2,129,106	51.1	4,403,569
Seats won/change	19/-1	20/+1		
Assembly				
Votes Cast	4,245,822	3,660,213	53.7	8,001,380
Seats won/change	51/+8	29/-8		

DEMOCRATIC PERCENTAGE OF TWO-PARTY VOTE FOR PRESIDENT AND GOVERNOR, BY REGION, 1964-1972[1]

	1964	1966	1968	1970	1972
Northern California					
San Francisco Bay Area[2]	64	49	55	50	49
Other	63	43	49	47	45
Total	65	46	53	49	47
Southern California					
Los Angeles County	58	43	49	48	43
Other[3]	51	34	39	37	34
Total	55	40	45	44	40
California Total	59	42	49	46	43

1. This table is based on and extended from data presented by Totton J. Anderson and Eugene Lee in their article, "The 1966 Election in California," **Western Political Quarterly,** XX (June, 1967,) Part 2, pp. 535-554.
2. Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma.
3. Imperial, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura.

COMPARISON OF VOTING AGE POPULATION WITH NUMBER OF REGISTERED VOTERS AND VOTES CAST

	Civilian Pop. 21 and Over (thousands)	Registered Voters (thousands)	Percent Registered	Total Vote Cast (thousands)	Percent of Eligible Pop. Voting
1962	10,042	7,531	75.0%	5,980	59.1%
1964	10,698	8,184	76.5	7,233	67.6
1966	11,262	8,341	74.1	6,606	58.7
1968	11 840	8,588	72.5	7,341	62.0
1970	12,583	8,706	69.2	6,633	52.7
1972	13,641*	10,466	76.7	8,637#	63.3#

*18 and over #Estimated

COMPARISON OF REGISTRATION AND VOTE BY PARTY — NOVEMBER 1972

	Registration	President	House	Assembly
Republican	36.7%	55.0%	46.5%	45.7%
Democratic	56.0	41.5	52.0	53.1
Amer. Ind.	0.5	2.8	0.8	0.4
Peace & Fr.	0.6	0.6	0.8	0.8
Misc.	0.4	---	---	---
Dec. State	5.9	---	---	---
TOTALS	100.0%	100.0%	100.0%	100.0%

CALIFORNIA PARTY BALANCE, 1960-1972: DEMOCRATIC PERCENTAGE OF TWO-PARTY VOTE FOR MAJOR OFFICES

	President	Congress	Assembly
1960	49.7%	53.9%	54.0%
1962	--	51.8	53.9
1964	59.2	52.9	53.6
1966	--	46.8	46.3
1968	48.6	44.8	45.9
1970	--	50.1	50.7
1972	43.0	52.8	53.1

VOTE DROP-OFF NOVEMBER 1972

President	Votes Cast	Percent
President	8,259,900	100.0%
House of Reps.	8,007,166	96.9
Assembly	8,001,380	96.9
Proposition 1	7,711,620	93.4
Proposition 5	7,443,291	90.1
Proposition 10	7,839,540	94.9
Proposition 15	7,732,891	93.6
Proposition 22	7,871,152	95.3

COMPARISON OF VOTE DROP-OFF

	1964	1968	1972
President	100.0%	100.0%	100.0%
House of Reps.	96.7	96.9	96.9
Assembly	94.9	96.3	96.9

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Statewide Races

President

McGovern-Shriver (D)	3,431,824	41.5%
Nixon-Agnew (R)	4,544,134	55.0
Schmitz-Anderson (A)	230,496	2.8
Spock-Hobson (P)	53,446	0.6

Propositions

	Yes		No		
1 Community College Bonds	4,387,543	56.9	3,324,077	43.1	1
2 Health Science Facilities Bonds	4,608,372	60.0	3,075,332	40.0	2
3 Pollution Facilities Bond Authorization	3,901,083	51.4	3,694,366	48.6	3
4 Legislative Reorganization	4,475,998	60.9	2,872,856	39.1	4
5 School District Powers	4,358,752	58.6	3,084,539	41.4	5
6 Misc. Constitutional Revisions	4,800,302	65.9	2,481,440	34.1	6
7 Elections and Presidential Primary	5,162,474	68.2	2,403,024	31.8	7
8 Anti-Pollution Facilities Tax Exemption	2,056,268	27.2	5,505,848	72.8	8
9 Bond Vote for Unsafe School Buildings	4,172,939	54.4	3,492,079	45.6	9
10 Blind Veterans Tax Exemption	7,007,757	89.4	831,783	10.6	10
11 Right of Privacy	4,800,775	62.8	2,847,238	37.2	11
12 Disabled Veterans Tax Exemption	7,019,950	89.7	807,184	10.3	12
13 Workmen's Compensation	5,571,742	72.6	2,102,498	27.4	13
14 Taxation (Watson Amendment)	2,678,071	34.2	5,156,221	65.8	14
15 State Employee Salaries	2,523,064	32.6	5,209,827	67.4	15
16 Highway Patrol Salaries	3,046,919	39.2	4,731,796	60.8	16
17 Death Penalty	5,386,904	67.5	2,591,547	32.5	17
18 Obscenity Legislation	2,574,933	32.1	5,442,395	67.9	18
19 Marijuana	2,698,723	33.4	5,373,435	66.6	19
20 Coastal Zone Conservation Act	4,312,133	55.1	3,511,780	44.9	20
21 Assignment of Students	4,905,247	63.0	2,877,596	37.0	21
22 Agricultural Labor Relations	3,316,772	42.1	4,554,380	57.9	22

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ELECTRONIC REPRODUCTION PROHIBITED

Congress

1st District

CLAUSEN	(R)	140,807	62.2
Nighswonger	(D)	77,138	34.1
Ames	(P)	8,470	3.7

2nd District

JOHNSON	(D)	148,808	68.3
Callahan	(R)	62,381	28.6
Paradis	(A)	6,688	3.1

3rd District

MOSS	(D)	151,035	69.9
Rakus	(R)	64,949	30.1

4th District

LEGGETT	(D)	114,673	67.4
Chang	(R)	55,367	32.6

5th District

BURTON	(D)	120,819	81.7
Powell	(R)	26,963	18.3

6th District

MAILLIARD	(R)	118,197	52.0
Boas	(D)	108,934	48.0

7th District

DELLUMS	(D)	126,351	56.0
Hannaford	(R)	85,851	38.1
Cortese	(A)	13,430	5.9

8th District

Stark	(D)	101,024	52.9
Warden	(R)	89,948	47.1

9th District

EDWARDS	(D)	123,837	72.3
Smith	(R)	43,134	25.2
Kaiser	(A)	4,403	2.5

10th District

GUBSER	(R)	139,850	64.6
Gillette	(D)	76,597	35.4

11th District

Ryan	(D)	113,580	60.4
Chase	(R)	69,655	37.0
Kudrovzeff	(A)	4,852	2.6

12th District

TALCOTT	(R)	105,555	54.0
Camacho	(D)	84,268	43.1
Monteith	(A)	5,753	2.9

13th District

TEAGUE	(R)	153,723	73.9
Cleveland	(D)	54,273	26.1

14th District

WALDIE	(D)	158,948	77.6
Sims	(R)	45,985	22.4

15th District

MC FALL	(D)	145,273	100.0

16th District

SISK	(D)	134,079	79.1
Harner	(R)	35,384	20.9

17th District

MC CLOSKEY	(R)	110,098	60.2
Stewart	(D)	72,759	39.8

18th District

MATHIAS	(R)	109,993	66.5
Lavery	(D)	55,484	33.5

19th District

HOLIFIELD	(D)	103,823	67.2
Fisher	(R)	43,034	27.9
Harris	(P)	7,588	4.9

20th District

Binkley	(D)	89,219	42.6
Moorhead	(R)	120,299	57.4

21st District

HAWKINS	(D)	92,799	82.9
Lundy	(R)	19,187	17.1

22nd District

CORMAN	(D)	121,352	67.6
Wolfe	(R)	52,664	29.3
Shroyer	(P)	5,583	3.1

23rd District

CLAWSON	(R)	118,731	61.4
Tuohey	(D)	74,561	38.6

24th District

ROUSSELOT	(R)	141,274	70.1
Mandell	(D)	60,170	29.9

25th District

WIGGINS	(R)	115,908	64.9
Craven	(D)	57,015	31.9
Ramirez	(A)	5,541	3.1

26th District

REES	(D)	160,932	68.6
Rutta	(R)	65,473	27.9
Timko	(P)	8,094	3.5

27th District

GOLDWATER	(R)	117,622	57.4
Novak	(D)	87,295	42.6

28th District

BELL	(R)	142,102	60.7
Shapiro	(D)	87,783	37.5
Hampton	(P)	4,184	1.8

29th District

DANIELSON	(D)	91,553	62.8
Ferraro	(R)	48,814	33.5
Blaine	(P)	5,455	3.7

30th District

ROYBAL	(D)	76,521	68.4
Brophy	(R)	32,005	28.6
McCammon	(P)	3,355	3.0

31st District

WILSON	(D)	85,954	52.3
Valentine	(R)	69,876	42.5
Wood	(P)	8,582	5.2

32nd District

HOSMER	(R)	147,016	65.9
Murray	(D)	71,394	32.0
Donohue	(P)	4,804	2.2

33rd District

PETTIS	(R)	140,304	75.1
Thompson	(D)	46,626	24.9

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ELECTRONIC REPRODUCTION PROHIBITED

34th District

HANNA	(D)	113,841	67.2
Ratterree	(R)	48,916	28.9
Rayburn	(A)	6,604	3.9

35th District

ANDERSON	(D)	103,912	74.8
Brown	(R)	35,018	25.2

36th District

Lemucchi	(D)	72,516	43.5
Ketchum	(R)	87,984	52.7
Armour	(A)	6,307	3.8

37th District

Brathwaite	(D)	120,392	73.2
Tria	(R)	40,633	24.7
Haag	(P)	3,485	2.1

38th District

Brown	(D)	77,776	56.3
Snider	(R)	60,379	43.7

39th District

Black	(D)	76,695	34.3
Hinshaw	(R)	146,911	65.7

40th District

WILSON	(R)	153,648	67.8
Caprio	(D)	68,771	30.3
Thygeson	(P)	4,294	1.9

41st District

VAN DEERLIN	(D)	115,634	74.1
Kau	(R)	40,514	25.9

42nd District

Lowe	(D)	67,477	29.2
Burgener	(R)	155,965	67.4
Moths	(A)	7,812	3.4

43rd District

VEYSEY	(R)	117,781	62.7
Robles	(D)	70,129	37.3

Senate

1st District

COLLIER	(D)	132,635	66.3
Rogers	(R)	48,491	24.2
Sutley	(P)	19,021	9.5

3rd District

La Coste	(D)	93,410	49.7
Berryhill	(R)	94,590	50.3

5th District

RODDA	(D)	135,573	69.8
McKinley	(R)	58,786	30.2

7th District

NEJEDLY	(R)	158,666	62.7
Tripp	(D)	94,228	37.3

9th District

MARKS	(R)	168,040	59.0
Pelosi	(D)	113,580	39.9
Szafarski	(A)	2,969	1.0

11th District

PETRIS	(D)	280,861	73.1
Miles	(R)	103,584	26.9

13th District

ALQUIST	(D)	165,913	72.8
Hart	(R)	62,073	27.2

15th District

WAY	(R)	73,522	61.2
Davis	(D)	46,668	38.8

17th District

GRUNSKY	(R)	131,984	65.1
Paizis	(D)	70,824	34.9

19th District

RICHARDSON	(R)	139,812	66.2
Hart	(D)	71,322	33.8

21th District

HARMER	(R)	153.897	68.1
Rifken	(D)	72,027	31.9

23rd District

CUSANOVICH	(R)	160,590	55.5
Burke	(D)	128,521	44.5

25th District

STEVENS	(R)	133,738	49.7
O'Neill	(D)	130,266	48.4
Perrick	(P)	5,287	1.9

27th District

ROBERTI	(D)	78,795	65.8
Childress	(R)	36,071	30.1
Saxe	(P)	4,833	4.0

29th District

DYMALLY	(D)	87,073	87.0
Taggart	(R)	12,957	13.0

31st District

WEDWORTH	(D)	115,377	73.1
Mann	(R)	42,394	26.9

33rd District

KENNICK	(D)	122,330	74.9
Sutton	(R)	41,062	25.1

35th District

WHETMORE	(R)	193,203	64.8
Lacayo	(D)	105,128	35.2
Ewing	(A)	11,873	4.0

37th District

DEUKMEJIAN	(R)	144,299	68.2
Debaun	(D)	67,344	31.8

39th District

SCHRADE	(R)	110,660	57.5
Gillis	(D)	81,926	42.5

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ELECTRONIC REPRODUCTION PROHIBITED

Assembly

1st District

DAVIS	(D)	67,169	71.2
Hord	(R)	27,112	28.8

2nd District

Keene	(D)	59,222	49.6
Antolini	(R)	56,004	46.9
Solomon	(P)	4,232	3.5

3rd District

GREENE	(D)	83,675	67.1
MacLean	(R)	41,094	32.9

4th District

JOHNSON	(R)	59,789	50.3
Shaw	(D)	59,053	49.7

5th District

DUNLAP	(D)	67,895	71.6
Hillyard	(R)	26,946	28.4

6th District

CHAPPIE	(R)	81,487	67.8
Kennedy	(D)	38,707	32.2

7th District

BAGLEY	(R)	83,837	58.7
Moore	(D)	48,984	34.3
Webber	(P)		

8th District

POWERS	(D)	58,169	69.8
Clark	(R)	25,184	30.2

9th District

Z'BERG	(D)	57,635	70.5
Andresen	(R)	24,135	29.5

10th District

Boatwright	(D)	74,196	50.3
Boggess	(R)	69,072	46.8
Vail	(P)	4,335	2.9

11th District

KNOX	(D)	71,471	68.1
Neal	(R)	33,417	31.9

12th District

MONAGAN	(R)	61,921	71.6
Nickerson	(D)	24,511	28.4

13th District

BEE	(D)	94,973	68.1
Olson	(R)	44,480	31.9

14th District

CROWN	(D)	60,999	100.0

15th District

FONG	(D)	65,305	77.8
Pugh	(R)	18,683	22.2

16th District

MEADE	(D)	65,362	71.5
Balen	(R)	26,090	28.5

17th District

MILLER	(D)	54,110	82.9
Devlin	(R)	11,183	17.1

18th District

BROWN	(D)	45,741	75.9
Irwin	(R)	14,545	24.1

19th District

MC CARTHY	(D)	59,553	79.3
Garriott	(R)	15,595	20.7

20th District

BURTON	(D)	34,003	70.4
Graf	(R)	14,313	29.6

21st District

DUFFY	(R)	65,421	100.0

22nd District

HAYDEN	(R)	95,198	62.2
Freier	(D)	57,825	37.8

23rd District

FORAN	(D)	64,341	81.9
Seeba	(R)	14,257	18.1

24th District

VASCONCELLOS	(D)	75,633	55.7
Fargher	(R)	60,083	44.3

25th District

MC ALISTER	(D)	106,805	57.6
Browne	(R)	38,685	25.3
Stearns	(P)	7,694	5.1

26th District

ARNETT	(R)	84,791	70.6
Labson	(D)	30,767	25.6
Cooney	(A)	4,592	3.8

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ELECTRONIC REPRODUCTION PROHIBITED

27th District

Papan	(D)	66,105	57.6
Long	(R)	40,795	35.5
Stack	(A)	3,870	3.4
Slocum	(P)	4,101	3.5

28th District

STACEY	(R)	38,050	47.9
Gonzales	(D)	41,331	52.1

29th District

Williams	(D)	34,585	43.7
Nimmo	(R)	40,129	50.8
Woods	(P)	4,335	5.5

30th District

Thurman	(D)	47,255	52.5
Simon	(R)	42,769	47.5

31st District

MURPHY	(R)	68,950	65.4
Faitz	(D)	36,536	34.6

32nd District

MADDY	(R)	46,531	54.5
Brown	(D)	38,845	45.5

33rd District

MOBLEY	(R)	54,807	65.7
Garrigus	(D)	28,682	34.3

34th District

WOOD	(R)	59,010	73.6
Valadez	(D)	21,156	26.4

35th District

BRIGGS	(R)	81,457	65.8
Shipkey	(D)	42,397	34.2

36th District

MAC GILLIVRAY	(R)	66,553	50.3
Hart	(D)	65,860	49.7

37th District

MAC DONALD	(D)	85,644	57.3
Conlan	(R)	58,403	39.1
Collins	(A)	5,328	3.6

38th District

PORTER	(D)	49,509	67.9
Kilpatrick	(R)	23,389	32.1

39th District

Chel	(D)	44,100	45.9
Bond	(R)	51,965	54.1

40th District

GARCIA	(D)	21,328	55.7
Aguirre	(R)	11,849	30.9
Ruiz	(I)	5,130	13.4

41st District

KEYSOR	(D)	55,407	62.4
Arklin	(R)	33,350	37.6

42nd District

MORETTI	(D)	49,027	64.0
Hayes	(R)	24,965	32.5
Blumenthal	(P)	2,658	3.5

43rd District

Thornton	(D)	24,564	27.7
Antonovich	(R)	60,061	67.8
Allred	(P)	3,922	4.5

44th District

CULLEN	(D)	72,881	72.7
Richardson	(R)	27,391	27.3

45th District

KARABIAN	(D)	42,968	59.2
Nolan	(R)	29,570	40.8

46th District

BEVERLY	(R)	91,581	69.7
Holloway	(D)	33,890	25.8
Stephens	(P)	5,832	4.4

47th District

LANTERMAN	(R)	56,259	61.0
Ridenour	(D)	32,148	34.9
Lyon	(A)	3,786	4.1

48th District

Alatorre	(D)	41,550	57.2
King	(R)	25,743	35.5
Myers	(A)	1,796	2.5
Welte	(P)	3,493	4.8

49th District

LANCASTER	(R)	72,560	63.8
Axelrod	(D)	41,082	36.2

50th District

Montoya	(D)	47,315	51.6
Miller	(R)	44,455	48.4

51st District

FENTON	(D)	59,031	77.2
Majowicz	(R)	17,465	22.8

52nd District

WAKEFIELD	(R)	36,152	54.3
Jackson	(D)	30,459	45.7

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ELECTRONIC REPRODUCTION PROHIBITED

53rd District

GREENE	(D)	39,263	100.0

54th District

COLLIER	(R)	69,400	73.9
Regnier	(D)	24,495	26.1

55th District

RALPH	(D)	42,825	100.0

56th District

WARREN	(D)	43,012	62.7
King	(R)	25,619	37.3

57th District

CONRAD	(R)	54,227	41.8
Berman	(D)	71,894	55.3
Howard	(P)	3,734	2.9

58th District

JOHNSON	(D)	42,832	57.9
Hahn	(R)	31,109	42.1

59th District

SIEROTY	(D)	74,483	74.9
Solliday	(R)	22,233	22.4
Takei	(P)	2,676	2.7

60th District

PRIOLO	(R)	66,547	52.9
Diamond	(D)	59,367	47.1

61st District

WAXMAN	(D)	62,606	69.9
Gillette	(R)	23,531	26.3
Garris	(P)	3,396	3.8

62nd District

RUSSELL	(R)	76,775	72.9
Sutorius	(D)	28,507	27.1

63rd District

Dixon	(D)	52,280	70.7
Mechtold	(R)	18,793	25.4
Burrell	(P)	2,855	3.9

64th District

CLINE	(R)	80,592	55.0
Gallagher	(D)	65,841	45.0

65th District

Holoman	(D)	43,381	66.4
Knapp	(R)	21,936	33.6

66th District

GONSALVES	(D)	63,312	70.0
Underwood	(R)	27,163	30.0

67th District

TOWNSEND	(D)	56,029	71.5
Reis	(R)	22,358	28.5

68th District

THOMAS	(D)	50,368	69.0
Boettcher	(R)	23,665	31.0

69th District

CORY	(D)	79,921	59.5
Dannemeyer	(R)	48,888	36.4
Swenson	(A)	5,558	4.1

70th District

BURKE	(R)	115,113	60.9
Moshenko	(D)	73,814	39.1

71st District

BADHAM	(R)	137,275	63.5
Thorpe	(D)	78,861	36.5

72nd District

QUIMBY	(D)	51,098	57.5
Dolan	(R)	37,808	42.5

73rd District

LEWIS	(R)	78,367	71.2
Kearney	(D)	31,674	28.8

74th District

Ingalls	(D)	69,232	53.3
Hunter	(R)	57,227	44.1
Wood	(P)	3,442	2.6

75th District

SEELEY	(R)	42,341	56.3
Singh	(D)	32,918	43.7

76th District

WILSON	(D)	77,970	52.5
Del Principe	(R)	66,900	45.0
Hollaway	(A)	3,687	2.5

77th District

DEDDEH	(D)	72,149	72.8
Canedo	(R)	26,919	27.2

78th District

BARNES	(R)	50,825	48.7
Kapiloff	(D)	53,584	57.3

79th District

CHACON	(D)	43,100	67.3
Green	(R)	20,968	32.7

80th District

STULL	(R)	117,271	70.7
Garvin	(D)	48,518	29.3

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Unfinished Capitol Master Plan Leaves a Wasteland of Parking Lots

In the decade of the 1950's, California state government was struggling with the problem of a rapidly growing demand for state services of all kinds. California was about to pass New York as the most populous state in the nation, and there was no sign that the period of expansion which had begun during World War II would soon end. State officials foresaw a steep and continuing growth rate which could push the state's population as high as 28 million people by 1980 and 48 million by 2000. And they believed that the population growth would have to be matched by proportionate growth in the magnitude of state government operations, which would continue to be centralized in downtown Sacramento.

Thus, when Governor Edmund G. Brown took office in 1959, he immediately commissioned the preparation of a plan to handle the space needs for state government through the year 2000. The development of the plan ("a master plan for the orderly development of the Capitol area") was entrusted to a Capitol Building and Planning Commission authorized by the 1959 Legislature. To actually draw up a plan, the commission hired the planning firms of Livingston and Blayney and John Carl Warnecke and Associates. The two firms completed their work and submitted their plan in 1961. In it they took note of the fact that although it was the tremendous growth projected for state employment that had originally stimulated interest in such a plan, they had been directed to prepare a plan "to give California a noble and monumental seat of government worthy of the state." This was also the aim of the 1860 Legislature when it authorized the construction of the capitol, the planners observed, but since 1925 (when the first two federal-style office buildings fronting the capitol were completed), "the ideals of nobility and monumentality have not been realized," they said. Greater attention in the future to the attractiveness of the physical facilities and their surroundings, according to the planners, would "not only increase efficiency, but is essential to attract and hold qualified personnel."

Heart of the plan

At the heart of the plan, however, was the estimate of space requirements up to the year 2000. Almost 9 million square feet of space would be needed in the year 2000, said the planners, and that, with a floor-space-to-site-area ratio of 2:1, would require the addition of 102 acres of land by the year 2000, not including 22.3 acres of open space in an expanded Capitol Park. These gross estimates resulted in the recommendation that 138 acres, consisting of 46 city block (located primarily to the south of the Capitol), be acquired for the plan.

The plan proposed rearranging the gridiron pattern of city blocks in this area into seven "super-blocks", or pedestrian islands, by closing a number of streets. A continuous chain of open spaces, parks and plazas was to connect the state buildings and provide variety in their placement. In addition to the existing Capitol Park, a new park located to the south between the present O and P Streets and extending from 10th to 15th street was to enclose the Governor's residence and an artificial pond with two restaurants at its edge. Another plaza was to extend the open space of Capitol Park to the east, ending in front of twin 24-story office towers at the east end of the complex.

The buildings bordering Capitol Park were not to exceed six stories (75 feet) in height, and taller buildings of up to 24 stories were to be spaced around the perimeter of the capitol area so as to "preserve the dominance of the Capitol Building." The only building design requirements specified in the plan relate to floor area, height, and bulk, and were intended to permit each new building to achieve "a high architectural quality" found lacking in the existing state buildings.

The plan admittedly failed to provide for the parking demand it projected for the year 2000: 15,000 employee's parking spaces (one for every three employees) and 1,900 visitor parking spaces. The plan provided for only 9,500 parking spaces spread among six garages located around the periphery of the plan area. By way of explanation, the planners expressed the hope that "when rapid transit or some other satisfactory form of transportation becomes available, congestion in downtown Sacramento will be relieved."

Staged development

In the descriptive terms of the Capitol Plan, development was to be accomplished in three stages "geared to future space requirements and obsolescence of existing structures. At each progressive stage, a handsome and workable arrangement of buildings, open spaces and parking facilities will result." The plan was vague, however, about exactly what was to be accomplished at each stage. The first stage was apparently intended to include construction of several high-priority buildings, including a 600,000 square foot office building which had already been authorized by the Legislature (the present Resources Building), a new Governor's residence (because of the fire hazard and unsuitable setting of the old mansion), and a series of other buildings and parking structures. By 1980, all of the necessary sites were to have been acquired and the private structures removed. Because almost all of the properties proposed for acquisition were then occupied by relatively low-value improvements, it was recommended that the

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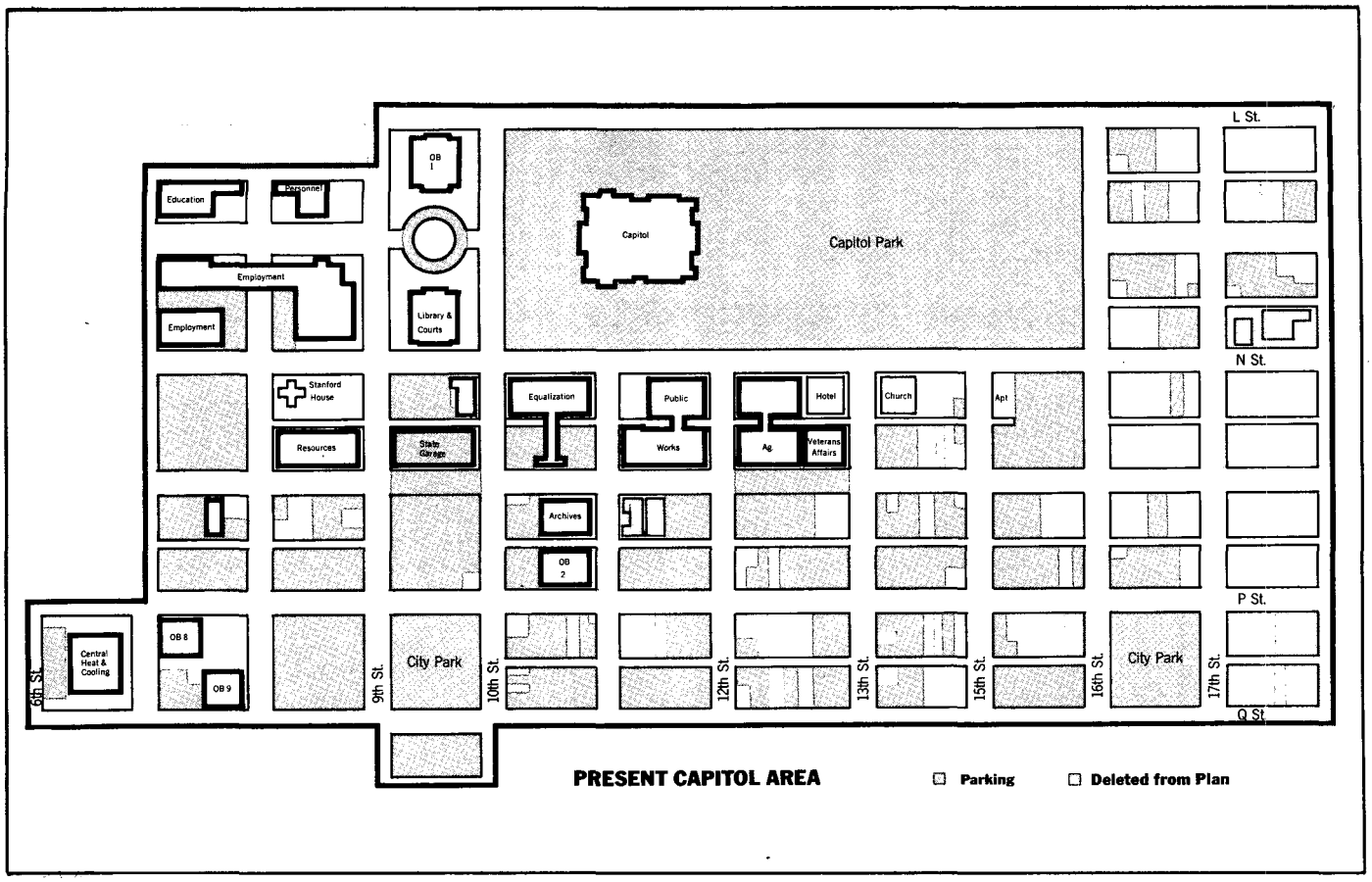

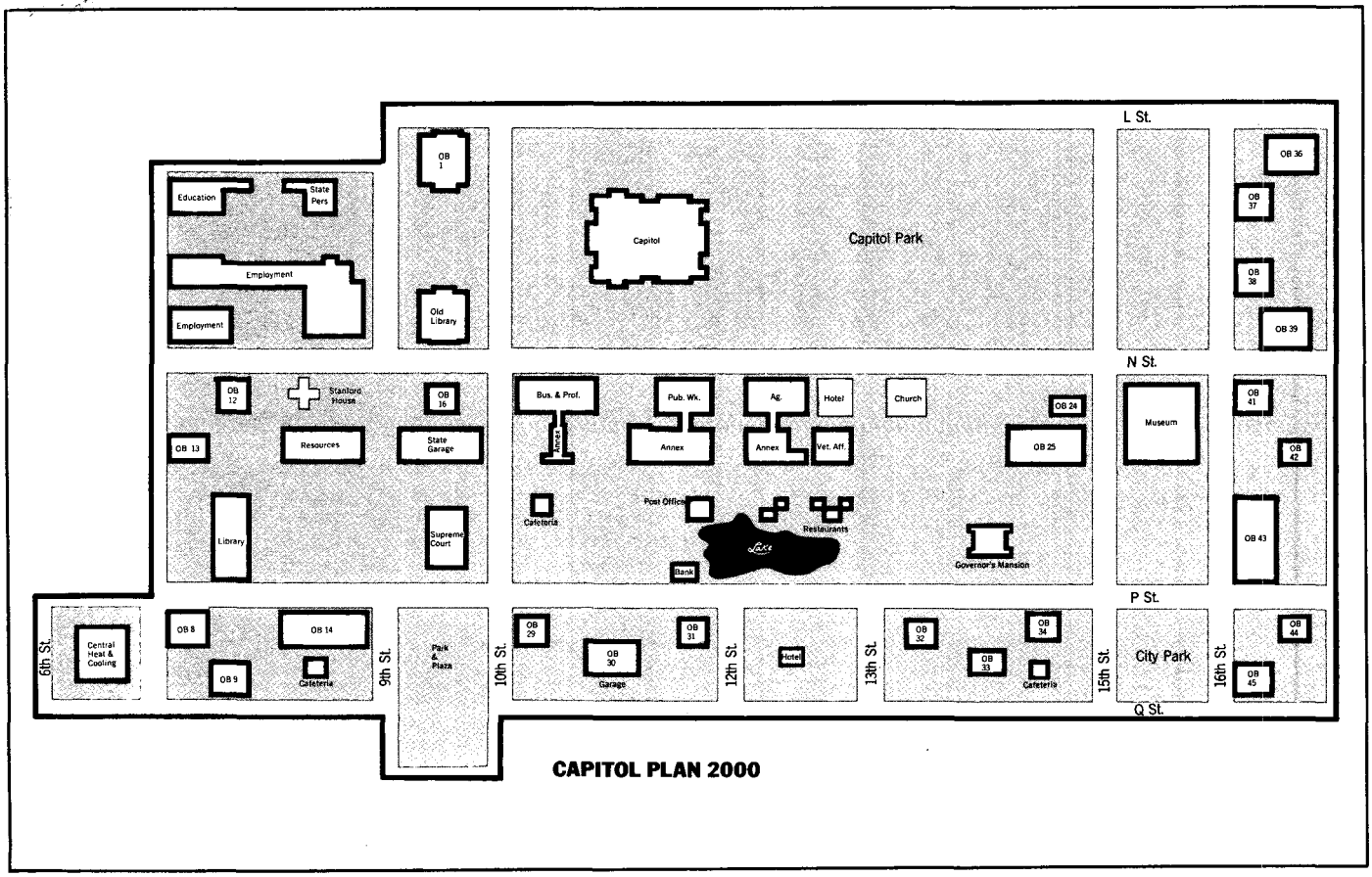

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land be purchased as soon as possible before new development made acquisition prohibitively expensive. Properties not immediately needed could be leased to private tenants, and land not needed by 1980 for building sites, parks and plazas could be used for parking on an interim basis. By the year 2000, the plan was to have been carried to completion.

When the plan was approved by the Legislature in 1961, only about 40 percent of the area was then owned by the state. However, no definite steps were taken to provide capital outlay funding for the project until 1962, when an emergency appropriation of $500,000 was authorized to purchase some land east of Capitol Park that was threatened by private development. To avoid future problems of this sort, the Assembly Interim Committee on Ways and Means undertook a study of how the state might close the gap between the plan and its realization.

Land acquisition

The committee's report, which was published in January of 1963, described several land-acquisition strategies relating to implementation of the Capitol Plan, but concluded that a long-term acquisition strategy based on buying blocks of property only as needed for construction would be more costly than a five-year crash program of acquisition. That year, the Legislature authorized a funding program for the acquisition of land in relatively large parcels with the expectation that there would be a continuing surplus of money available because "of delays in negotiations or condemnation". Occasional threats of development on land yet to be acquired with this surplus money could be dealt with as they arose. Following up on this, the Legislature appropriated $13 million in 1963 for the initial phase of acquisition, another $4.5 million in 1964, $2.2 million in 1965, and $.5 million in 1966. With these funds, a total of $16 million in real property was acquired, and by the end of 1968 parcels worth $20,330,974 had been acquired, giving the state ownership of 88.5 percent of the plan area.

New administration

While the five-year acquisition program was underway, Ronald Reagan was elected Governor and brought to Sacramento a different outlook on the need for state government to grow and to provide more and more services. The new administration first demonstrated its interest in economy by cutting back capital outlay proposals for construction of new state facilities, a policy that brought a slow-down to further development of the Capitol Area Plan. No funds have been appropriated for land acquisition since 1966, and in 1971 the Legislature voted to delete those areas on the periphery of the plan that were designated for parking garages and to end the land-acquisition program by March 3, 1973. As there are no more funds for land acquisition, parcels at the east end of the Capital Area Plan will be excluded from the plan unless the Legislature acts to rescind or delay its 1971 action.

Also in 1971, the Capitol Building and Planning Commission was abolished and responsibility for implementation of the plan was shifted to the Department of General Services. Lorin Swift, formerly executive secretary of the commission, now acts as the departmental "coordinator" for the plan, and maintains that it is "very much alive" despite everything that has occurred. The fact that a Governor's residence is now being planned for construction in the suburbs north of Sacramento and that 4-1/2 blocks allocated for parking garages have been deleted are not thought by Swift to be serious blows to the plan. He maintains that the Governor's residence now being planned is only that — a residence. A Governor's mansion to serve governmental functions is still very much a part of the plan, he says. He does concede that there is " a very real need" for more parking for state employees, however. "There are approximately 5,000 parking spaces for 20,000 workers". he says. "Ideally, the ratio should be 1:3, assuming that a state employee brings one other state employee to work with him, and the third state employee walks, rides the bus, or bikes to work". He also points out that temporary parking spaces have been created on land purchased by the state for the plan.

Yet the fact that this land is used temporarily for parking serves as a brake on development of the parks and plazas called for in the plan, an essential step to create the environment envisioned by the planners. Removing blacktop surfaces throughout the capitol area to create open green spaces would precipitate a major parking crisis, since the original plan was admittedly deficient in meeting the expected parking demand even before the garage sites were deleted.

Collier towers

While the executive branch has been cutting back its commitment to the Capitol Area Plan, the Legislature has developed a growing interest in the development of several of the major building sites east of Capitol Park as a way to relieve its own growth problems. Senator Randolph Collier, Chairman of the Joint Committee on Legislative Space Requirements, has suggested that the buildings designated as OB (office building) 36, OB 37, OB 38 and OB 39 be considered as possible future sites of a new legislative building complex. The proposed development, which became known as "Collier's Towers", was tabled following a leadership struggle in the Senate in 1969, when Collier's joint committee was abolished. This year, however, following publication of findings by the State Office of Architecture and Construction that the west wing of the state capitol might collapse in an earthquake, Senator Collier announced a new attempt to move the Legislature out of the capitol.

Dead or alive

It is difficult to say at this moment whether the Capitol Area Plan as drawn up in 1961 is dead or still alive in a somewhat truncated form. The end of land acquisition, construction of the Governor's residence in another location, the deletion of parking garages and, most recently, the decision to move a major state agency — the Franchise Tax Board — to rented quarters in an outlying area all seem to argue that the plan is dead. Yet some state officials continue to say it is alive and that some day it will be carried to completion.

Those Californians who have seen what New York's Governor Rockefeller is constructing in Albany may feel thankful to have been spared the mania for monuments which seems to have possessed the Empire State. Yet looking over the acres of temporary parking that make the blocks south and east of the capitol appear like nothing so much as temporarily-repaired bomb damage, one may wish that the state would push on with its plan to create a setting of which all Californians might be proud.

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Television Has Come of Age in the Capitol; Are Producers and Viewers Ready for It?

By Bruce Keppel

Governor Edmund G. Brown entered room 1190, just off the capitol rotunda in the east wing, stepped up onto the stage built at one end, and looked over the rows of desks occupied by newspaper reporters toward the whir of television cameras mounted on a platform at the rear. "It looks very, very nice," he said. "I'm very proud of it. It shows progress under my administration."

October 19th, 1965, may be remembered for nothing else, but the inauguration of a press conference room especially designed to accommodate broadcasting — small as that event may have seemed to outsiders — nonetheless marked official acceptance of electronic journalism in the California capitol. The mere fact that the cameras were running during a Governor's press conference was in itself a right only recently accorded by the newspaper-oriented Capitol Press Corps, for until 1963 television reporters could merely observe — a situation that recalls Louis XVI inviting the peasants in to watch him dine.

The focus shifts

Today, television correspondents and camera crews are commonplace in the capitol and accepted more or less as equals by newspaper reporters. The Assembly acknowledged TV's presence in 1969, by providing a recessed bay from which cameras can unobtrusively record the chamber's proceedings, if no Assemblyman objects. Though no similar facilities are yet installed in either the Senate, whose members are much less inclined to let their sessions be filmed, or in legislative hearing rooms (much to the annoyance of the television correspondents), the broadcast journalist's concerns in covering the capitol today generally resemble those facing the newspaper reporter. (See *California Journal*, June-July 1972). These are the fundamental problems of selectivity, interpretation, and the depth of coverage to give a government whose size and complexity rivals that of some nations.

To some degree, however, there is added urgency in how well television solves these problems. Several public opinion polls in recent years have indicated that a majority of Americans consider television to be not only a source of news but the primary source. It may be that the considerable growth of specialized publications in the postwar years has helped erode the traditional appeal of general circulation newspapers, as it has brought the end of a number of general circulation national magazines in recent years; since Americans apparently depend increasingly on other publications to keep them informed in areas of specific interest — whether professional, technical, or political — they may consider television an adequate means of keeping up with the rest of the news. Whatever the reason for this shift in emphasis toward television news, the important thing is that it is taking place. What California television chooses to show of the capitol, in short, will influence — and perhaps greatly — what Californians know of their state's government and its handling of problems affecting them.

Capitol coverage

Ten radio and television broadcasting agencies have capitol bureaus during the 1972 Legislative session. Six are local Sacramento radio and television stations, and three are network-owned and network-operated television stations in Los Angeles: KNXT (CBS), KNBC, and KABC. None of the stations covering the populous nine-county San Francisco Bay Area, however, has a capitol bureau. Instead, they rely on the wire services, telephone checks, periodic expeditions by their own crews, and occasionally call on the Sacramento stations to furnish coverage (KOVR, in the case of KRON San Francisco, and KCRA for KPIX). KRON and KPIX opened bureaus in the capitol on Reagan's inauguration in 1967, incidentally, but both closed them within six months, apparently to economize when the effects of recession hit broadcasting. A two-person bureau from San Francisco — correspondent and cameraman — would cost about $50,000, according to Roy Heatley, KRON's news director and the man responsible for opening KNXT's capitol bureau in 1964. Heatley wants to reopen KRON's bureau, but his counterpart at KPIX, Ron Mires, feels that his station can adequately cover Sacramento from San Francisco.

Television's problems

Of course, merely having a bureau in the capitol doesn't assure better coverage of state government, or even of the Legislature and the Governor (the focal points of broadcast reporting from Sacramento). In approaching their formidable task, the correspondents face great problems in terms of the broadcast time available to them and the pressure for visual reports. A *Journal* survey of television correspondents in Sacramento reveals that their average report runs 2½ minutes, though all occasionally do longer "special reports". Gone, because of their relatively high cost and relatively low viewer-ratings, are the occasional half-hour and even hour-long documentaries produced by some of the stations in the 1960s. The remnants are the interview shows broadcast by several stations at odd hours on weekends. While such programs provide a useful forum for the guests (and an inexpensive way of fulfilling the Federal Communications Commission requirement for "public service" program), they are not

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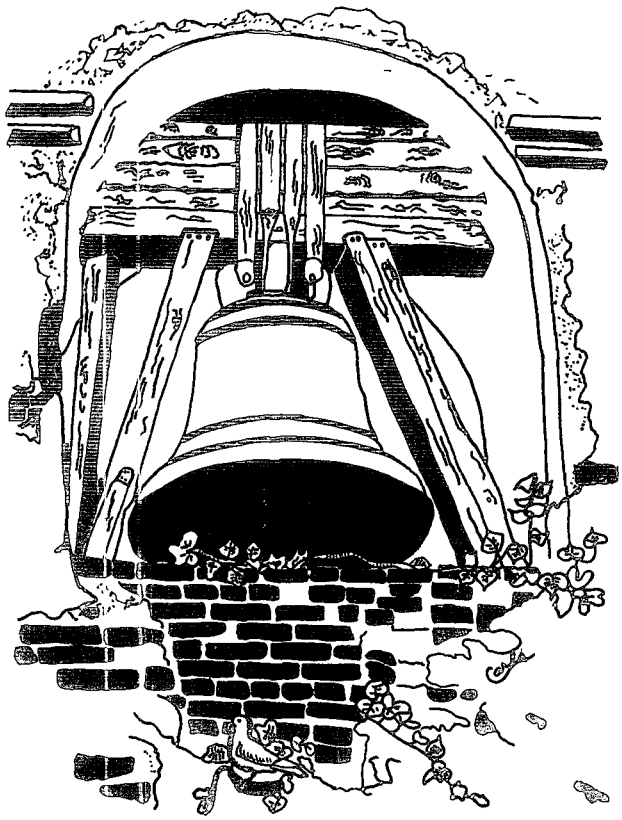
designed to explore complex issues in the way that a documentary could. (Of these interview shows, moreover, only "State Capitol", which is broadcast over KOVR Stockton-Sacramento and relayed to Fresno's KMJ, is oriented primarily toward state government.)

The three Los Angeles correspondents work under the additional handicap of being a considerable distance from their stations. This means that they must entrust their filmed stories to the handling, editing, and news judgment of a studio crew, and they must ship film for their evening broadcast on the 12:20 plane for Burbank. This forces them to work against the earliest deadline in the capitol (though afternoon newspaper deadlines have been creeping closer in recent years). They can, of course, phone in last-minute "voice-over" narratives to update film shipped earlier, but this may mean that the only footage available at news time holds only a tenuous connection with the substance of the story.

The need for pictures

This raises the question of the importance of film to television news. A station's policy as to the need for action film on such a notably unpictorial subject as government and politics — where the so-called talking heads (politicians and other officials making statements) are the news producers' bane — may be crucial in determining what stories are chosen for showing. If great importance is attached to action film, for example, the kinds of stories open to a correspondent covering government are limited. The correspondents say there is a growing awareness among assignment editors and news producers that news from the state capitol can be important even if, as one correspondent puts it, "the capitol is almost zero visually". They agree, however, that the flexibility they are allowed in covering their beats depends, finally, on their ability to generate interest in stories on state government at their stations.



The importance attached to film poses much the same problem for television that newspapers encounter in handling photographs: are the most vivid pictures and the more colorful footage necessarily representative of the event covered? Is the isolated flag-burning, say, typical of an otherwise peaceful demonstration? In legislative terms, does film footage of angry words at a hearing necessarily increase a viewer's understanding of the substantive points under debate, or does it obscure what really took place?

Legislators themselves can also shape television coverage. "It literally takes an act of the Legislature to film," notes one correspondent. "The Assembly of course is much more liberal than the Senate, although if there is one 'no' vote from the floor there is no filming. The Senate you can forget [unless the event is ceremonial or noncontroversial, there is always a Senator to say no]. In the committees, one vote can keep you out. The old argument has always been, 'We don't want to have to be on camera all the time.' Well, hell, so maybe a guy does slip now and then and the camera catches something. I think people can put this in proper context. Give reporters and film editors a little credit for putting what the camera sees into some perspective." (That, many legislators would reply, is asking a great deal.)

It is true, another correspondent concedes, that the mere presence of cameras can transform the event taking place. "It brings out the ham in some people," he observes, "but if the Senate and hearing rooms were equipped with camera bays similar to the Assembly, the equipment would be much less obtrusive. In any case, our ability to tell capitol stories would be greatly enhanced." While several committee hearing rooms and the Senate chambers have sound systems that broadcasters can "patch in" to, the lighting, particularly in the Senate, needs reinforcement for adequate TV filming.

Broadcast gear has another effect on politicians, apparently. "One of the basic handicaps for television news," one correspondent says, "is that legislators and government officials draw a distinction between the written and visual press. They will talk to the written press, but many times are hesitant to make statements on film. Legislators think of the picture as something to use when they want to be seen and being seen does them some good. But when the publicity is negative, though the story significant, they tend to shy away." (Newspapermen, it must be noted, often report experiencing this same phenomenon.)

Competition for ratings

Further complicating the broadcast reporters' work is the fact that television is highly competitive, somewhat in the way that newspapers were before World War I. Shows with the greatest number of viewers command the highest advertising rates, and advertising revenues pay the heavy costs of program production. Since little is known about what it is that persuades a viewer to follow the nightly news on one station rather

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than on another, there is a lot of tinkering with staff and format that has less to do with news reporting than with product differentiation. A former television newsman, Maury Green, reflected on this nervous quest for satisfying viewers in recalling KNXT's "Big News" concept of the 1960's, which was one of the first of the greatly expanded local news shows. "We didn't worry about what the viewers thought they wanted," Green wrote in the *Los Angeles Times*. "We didn't make news judgments on the basis of market research and opinion polls. No, we gave them what we thought they needed to know, which was all the hard news we could jam into the package. Curiously, that turned out to be what the viewers wanted." KNXT's "Big News" swept the ratings and was much imitated (just as the current "chit-chat" format is now being copied).

Still, the pressure of ratings exists. "There's just a lot of money at stake," observes a former broadcast executive, "and those people are out there fighting a war every day."

A question of choice

Thus, the capitol correspondent faces many special problems in attempting to cover his beat. But as far as the viewer is concerned, it all boils down to the question of what is chosen to be shown in the few minutes alloted to state government in the evening news. That, the correspondents generally agree, is the challenge of their capitol beat. Like their newspaper colleagues, they say that they could do a better job if their employers made better use of the coverage provided by the half-dozen reporters maintained in the capitol by the Associated Press and United Press International for routine stories, or even for the so-called top capitol story of the day. If the station's anchorman will use the wires for these stories, they say, the station's own correspondents will be more inclined to overcome the "herd instinct" that possesses many reporters, particularly in the competitive capitol, and pursue instead the story that illuminates government news in a way that can't be done in print, or simply to uncover stories that no one else has found.

This has been the approach of the handful of successful correspondents during television's first decade in the capitol, and the current crop of correspondents seems generally agreed that, were it up to them, they would do the same. All say that they try, but also admit that only a few really succeed. "We should go for what's really happening in government, and stop quoting the politicians and officials on what they say is happening," reflects one former capitol correspondent. Says another: "Radio and TV guys should realize that the capitol is wide open to new approaches to stories and that as soon as they make it clear that they are not going to follow the longtime trend [of pursuing newspaper reporters] they will find news sources opening up for grand stories."

One of the longest-tenured of the correspondents summarizes the challenge to broadcasting this way: "I think covering the capitol can be one of the easiest reporting jobs in the news world because of the mass of handouts flooding our desks. It seems to me that the real test of a pro — the reporter who is genuinely interested in not only his job but in the readers and listeners — is the ability to give one's output extra dimension. That extra dimension is creativity, enthusiasm, and enterprise. And not enough reporters have it, especially in covering the capitol."

Telling a Nonvisual Story

A Correspondent's Daily

BY DAVID DOW

In the day of every television reporter covering state government, there comes an "encounter session", a time for confronting the facts of life in broadcasting. There are two participants: the reporter and a news producer. The latter is usually a young, bright, deliberate person, probably an ex-reporter, who controls the 32 minutes of a 60-minute newscast not reserved for commercials, sports, weather, headlines, "good evening", "good night", and other non-news matter. The encounter may take place over the telephone before the film run to make the 12:30 PSA to Burbank, or across a desk in a Sacramento newsroom at 2 p.m. Either way, it goes something like this:

Producer: What've you got?

Reporter: A backgrounder on tax reform: what are the loopholes, who's being hurt by them, who's getting rich, and what, if anything, the governor's tax plan would do to close them.

Producer: What is it, mostly talking heads?

Reporter: Oh, it'll have a couple of sound pops, but mostly it's visual. Pretty strong stuff.

Producer: Can you do it in two minutes?

Reporter: It's pretty complicated. How about two-thirty?

Producer: Okay, two-thirty. But no more — we're tight tonight.

This daily encounter reminds every broadcast reporter of the dilemma that has faced him since he arrived at the capitol: how to tell an increasingly complicated, basically nonvisual story within the rigid demands of a visual, "action" medium. How to tell the story of tax reform in 2½ minutes. Visually. And without being superficial or "show-biz".

"After a while you sort of get used to it," says Otis Turner, capitol correspondent for Sacramento's KCRA. "But there are times when you know you're not doing an adequate job." A newspaper reporter who admits to being an infrequent television-viewer is categoric. "It's impossible," he says. "How can you match in two minutes what I do in a thousand words?"

The answer, of course, is that I can't. Nor do I think that I should "match" the story he writes, any more than I think that he should match the story the magazine correspondent files. Television is a powerful news-reporting instrument in its own right, with assets and drawbacks different from any other medium's. The story it tells will sometimes complement the newspaper reporter's, and sometimes, of course, it will parallel it.

The trouble is that it has taken television a long time to recognize fully its unique properties and to resist the temptation to try to match the newspapers and wire services, the "print media", which were in the capitol long before the cameras arrived. TV corres-

David Dow, who has covered the capitol for more than five years, will join CBS Television in New York on November 20th.

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pondents still use the "both sides" treatment newspapermen employ so often, but those back-to-back "sound pops" — an interview or press conference statements — frequently highlight controversy at the expense of understanding. Increasingly, however, broadcast journalists are trying to change that. Often, the change means getting away from the capitol, where politicians talk about action, to the places where television, like no other medium, can show how legislation affects people.

One correspondent who advocates this approach, and has the reputation of practicing what he preaches, is Vic Biondi of KNBC in Los Angeles. Take, for example, his coverage of one aspect of Governor Reagan's 1971 welfare reform program, one of the most frustratingly complex stores ever to face the capitol TV corps. "When the Governor began talking about helping the 'truly needy' on welfare," Biondi recalls, "we went to the home of a 'truly needy' family. We showed how they were living now and what the governor's welfare plan would mean to them in terms of the food on their table, the roof over their heads."

The story ran more than three minutes, which suggests that a station's time barriers are not fixed, particularly when it comes to the "enterprise" story. Now, who would call that treatment superficial compared to the 750-word wire-service story that listed provisions of the welfare plan sandwiched between quotes from its supporters and opponents?

A change of scenery

Pressure for that sort of approach to TV coverage of state government has come from a variety of sources, including the correspondent and his cameraman (who may refer to the capitol as the "White Barrel", a term expressing distaste for the "talking heads" and drab surroundings that fill a lens without taxing talent). The pressure also comes from some news executives who want to see a change of scenery. ("Can't we tell these people to hold their news conferences someplace else?" complains one.)

Such complaints are symptomatic of a deeper concern. These people are under pressure in many cases to improve ratings, to offer something the opposition doesn't have, and to do it with no increase in budget. News for most stations is a "loss leader", and thus the most likely victim of a budget crunch. It is ironic, therefore, and perhaps instructive, that the station that spends the most on news in Sacramento — KCRA, with its news budget of $1.25 million a year — is apparently the only one that boasts of a profit from its news operation.

To the news director or assignment editor, "buying" a story from his capitol correspondent means more than simply committing a reporter's time. It also means committing a cameraman and, if it is a network-owned station, such as KNXT, KABC and KNBC in Los Angeles, a sound man as well. Further, he iscommitting 400 feet or so of color film (about 11 minutes), which will cost $60 by the time it is processed. And 80 percent of it will wind up on the cutting room floor. There's also the commitment of about $10,000 in equipment that won't be available if a more visual story breaks. You could add in as well a few cents for the reporter's notebooks and pencils, if only to note that this is the only material outlay required to put his newspaper counterpart in action.

For all of this outlay, the editor may get back very little. The correspondent can't predict when the key statement will be uttered at a news conference, or he may miss the pivotal action at a hearing. And, understandably, the news executive wants the best for his money. What is "best" varies from newsroom to newsroom, but the usual definition is "something interesting". "It's got to be interesting," says Duane Borovec, producer of KCRA's "Channel 3 Reports". "How many people that you run into are really interested in politics? Not very many."

How do you ensure "interesting" coverage? The visual approach is one way, but it is generally agreed that not every story from state government can be made visual, or that "talking heads" are necessarily uninteresting. TV correspondents still cover hearings and debates on key issues in the Assembly, which is equipped for camera coverage, and they'd like the same opportunity in the Senate. They still cover news conferences, too, but are more selective in those they cover — and also more sophisticated in handling the material produced at what is essentially a contrived event. Today, the material coming from Governor Reagan, the reigning master of the press conference, is not immune to such scrutiny. "There's been at least once in recent months," recalls KCRA's Otis Turner, "when I haven't run any film of the Governor's news conference. There just wasn't any news." This, from a station faced each night with filling the longest newscast — 90 minutes — in Northern California.

The nonvisual story

Where essentially nonvisual stories are covered, it is the correspondent's professional experience in his beat that will make the report "interesting". What KCRA's Borovec expects is that a reporter will "pick the guts" out of his film, then explain it in a way that the layman will understand. "The way you make it interesting to the layman," he explains, "is to be believable, to be knowledgeable." To bring those assets to bear on the story, some stations place the correspondent on the news set to answer questions and expand on his report.

All of which revolves back to the reason that a correspondent is dispatched to the capitol: to develop and maintain the knowledge to explain what are often the most complicated stories in the state, stories that you can't understand by staying in the studio. In that, of course, the TV correspondent does try to match his newspaper counterpart. "In some respects," says one correspondent, "you've got to know more about a story than the print man. It takes more knowledge to select the one major point of a story. And, in 2½ minutes, that's often all you have time for — to seize on the main point and explain it better, with television's special tools, than anyone else can."

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California Journal/*NEWSBRIEFS*

State figures stir new welfare fraud controversy

Early in October, the Department of Social Welfare began comparing earnings reported by welfare recipients with their employers' payroll reports. Planned as one of the features of the 1971 Welfare Reform Act, the Earnings Clearance System, made possible by computerized payroll records, had been under challenge in the state courts until August 29th, when the Third District Court of Appeal ruled that there is no legal barrier to such checking by the state. Approximately 20 percent of all welfare recipients of Aid to Families with Dependent Children have some outside earnings that do not disqualify them for aid but are taken into account in determining their need for aid.

The first figures developed by the department, which sampled the earnings reported for October, November, and December 1971 by 8,788 recipients making up the top 10 percent of those with outside earnings, indicated "discrepancies" in the earnings reports of 3,709, or 41 percent. These "discrepancies", according to state welfare director Robert Carleson, averaged approximately $490 per case over the three-month period, and overpayments totaled about $1.8 million. Carleson described this figure as only the "tip of the iceberg", however, saying that there is no reason to expect the "fraud" rate to be any lower for the remaining 90 percent of those AFDC recipients with employment earnings (although, presumably, the average overpayment per case would be lower).

Several press accounts failed to make it clear that the figures applied, at most, to 41 percent of 20 percent of AFDC cases, or 8 percent of the total. This led welfare rights organizations and others to charge that the administration had purposefully exaggerated the incidence of fraud. They also pointed out that discrepancies in earning reports can occur not only because of false reporting by recipients, but also as a result of errors by welfare workers confused by new forms and regulations. Richard Peterson, an administrator of the Earnings Clearance System, conceded this point. "Fraud could be on the part of someone other than the recipient," he told reporters. "We don't know. We haven't gone over all the cases, but they're being investigated."

Earlier, Carleson indicated that each case involving $100 or more would be reported to the appropriate county for investigation by welfare fraud investigators or the county district attorney.

Medi-Cal providers will get fee increase

Effective November 1st, physicians, dentists, pharmacists, and most other health care providers that serve Medi-Cal patients will get a 2.5 percent increase in their fees. An additional 2.5 percent increase will be granted if approved by the federal Price Commission. In announcing the increase, Dr. Earl W. Brian, Secretary of Health and Welfare, said that physicians have not had an increase in Medi-Cal fees since 1967, and that fees for other health-care providers have been held steady for at least three years.

Approximately 78,000 individual practitioners and suppliers will benefit, increasing Medi-Cal costs by about $2 million per month. Excluded are hospitals, which have received a 12 percent increase in allowable rates under federal law, and nursing homes, which recently received a 9 percent increase. Dr. Brian originally asked the federal Price Commissions' Health Services Industry Committee for a 6 percent fee increase but was turned down.

Countywide tax rate turns downward

County tax rate data compiled and reported by State Controller Houston I. Flournoy last month indicate that the countywide tax rates for 42 California counties have been reduced for 1972-73. Tax rates in 13 other counties have gone up, while three counties have held even as compared with 1971-72. Among the counties with lower rates are Los Angeles (- 40 cents), San Diego (- 22 cents), Contra Costa (- 36 cents), San Francisco City and County (- 14 cents), Orange (- 9 cents), and Sacramento (- 8 cents). These figures do not, of course, include the tax rates for schools and other special districts that are added to every property taxpayer's bill.

The figures also show that 41 counties have raised their assessment ratios (the ratio of assessed value to fair market value) bringing the unweighted statewide average up slightly from 24.2 percent to 24.5 percent. The state mandated ratio is 25 percent, but many counties still have assessment ratios of 21 to 22 percent.

California wins AAA rating for state bonds

"We are very impressed by California's control over debt, taxation, and state expenditures," said Moody's Investors Service, explaining its decision to raise California's credit rating for state bonds from AA to AAA. The new top rating by the more conservative of the nation's two bond-rating services (the other, Standard and Poor's, has long rated California state bonds AAA) is expected to result in a significant reduction in interest rates for state bonds.

Governor Ronald Reagan and State Treasurer Ivy Baker Priest hailed the new rating as an expression of confidence in state fiscal policies that will result in substantial savings for taxpayers. "Because we have won the highest confidence of America's investment community through sound fiscal policies and good management," said Reagan, "California taxpayers can now look forward to savings from lower interest rates on new state bond sales amounting to some $5 million in the coming year alone." California has been selling between $500 and $600 million in bonds each year.

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Mrs. Priest reported that the state received a low bid of 4.6122 percent for $90 million in general obligation bonds sold on October 3rd, shortly after the new rating was announced, for a savings of "approximately $1 million" in interest costs to taxpayers over the 20-year life of the bonds. There have been two comparable bond sales this year: on January 25th, the state sold $100 million in bonds at an interest rate of 4.5978, and on May 23rd it sold $94.9 million in bonds at 4.4753 percent interest.

$110 million in state roadwork is delayed

Because Congress adjourned without extending the federally aided highway construction program beyond the current fiscal year, some $110 million worth of California highway projects will be delayed for several months at the least. The projects affected had been scheduled to be put out for bid by contractors by December 31st. Roughly 75 to 80 percent of California highway construction projects are federally aided, according to James A. Moe, director of the state Department of Public Works. Therefore, the California Highway Commission's adoption of an $895 million budget for the next fiscal year, a highway spokesman said, was rendered "almost academic".

Pollution board bans new gasoline stations in San Francisco area

The Bay Area Air Pollution Control District placed a moratorium last month on construction of gasoline stations in the nine-county area around San Francisco Bay. The district's action took the form of denying building permits for 20 new stations, even though the proposed structures met the district's emission standards. The problem, the board held, is that the air is already overly polluted, and the permits were denied in areas where smog standards had been exceeded at least once in a year.

Rand study sees dark future unless state cuts demand for electricity

Even if additional power-generating plants are built in California, the state will have to curtail its rapidly growing use of electricity, concludes a study by the Rand Corp., prepared for the Assembly Committee on Planning and Land Use. "Fusion, geothermal, and solar power are all possible future solutions," the report states, "but it is doubtful that they will be available in large enough supply, and with proper safety, in time to prevent the serious disruptions that may result from a too-rapid growth of electricity demand."

Committee Chairman Paul Priolo called the report "political dynamite," and said extensive legislative hearings will be held before any legislation dealing with electrical power use is framed. "Some of the implications of this [study] can be pretty wild," Priolo told a news conference. "I want to make it abundantly clear that the Legislature is not accepting it at face value."

Although the report is expected to be cited by utility companies pushing for construction of additional nuclear power plants, it recommends that controls be applied to curtail the use of electricity precisely to avoid any "headlong rush to nuclear power". Such a "rush", it says, would be unwise because of problems of safety and the disposal of radioactive wastes.

UC, CSUC register moderate growth

Final fall registration figures for the University of California indicate total UC enrollment of 113,427, or 4,323 more students than in 1971. Much of the increase occurred at the freshman level, where enrollment rose from 24,823 to 28,138, a 13.4 percent increase. Total graduate enrollment rose by only 325 students. A year ago, UC enrollment was down slightly from 1970, leading University officials to fear that tuition increases were driving many students away. Only two campuses, Riverside and Santa Barbara, lost enrollment this fall.

Fall enrollment for the California State University and Colleges is now expected to reach 277,183 (individuals), an increase of 15,102, or 5.8 percent, over 1971. For CSUC, the 1972 increase is less than that recorded for 1971, giving "further evidence that our rate of growth is slowing", according to a CSUC spokesman. Early budget estimates for 1972-73 had been based on a projected enrollment of 278-690 individual students.

Community College officials say they will not have statewide community college enrollment figures for at least another month.

Ethnic studies wane on state's campuses

Enrollment in ethnic studies programs, which were born in response to student demands of the late 1960s, has dropped off markedly on the campuses of the University of California and California State University. The exception was at California State University, San Jose, where more students enrolled in black studies and Mexican-American studies last year than in the fall of 1970, and where an Asian-American program has since been created. At the University of California, 15 programs were offered in ethnic studies during 1969-70, according to a survey prepared for the state Coordinating Council for Higher Education, but only three students were listed as majors. In presenting the report, Russell Riese, chief higher education specialist to the council, said, "Many colleges developed these programs, perhaps at the insistence of students, but no students registered. My view is that they will disappear because there is no enrollment." The report suggests incorporating ethnic studies material in existing degree programs in such fields as art, music, drama, literature, psychology, anthropology, the social sciences, and history.

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Recent Supreme Court Decisions

In October, the California Supreme Court announced its rulings in five cases of more than routine interest. The court was unanimous in all five decisions (although the Chief Justice did not participate in one ruling), four of which affirmed and only one reversed trial court decisions. The following are brief summaries of the courts' rulings.

Manufacturers' liability defined

In two unanimous decisions announced October 17th, the court ruled that a person injured by a defective product need prove only that he was using the product for its intended purpose and that a defect in the product's design or manufacture caused the accident in order to collect damages. The injured person does not have to prove, said the court, that the product was "unreasonably dangerous" or that he or she was unaware of the defect. The two decisions, which were written by Justice Raymond L. Sullivan, relate back to the court's 1963 ruling that a manufacturer is strictly liable when he puts an article on the market knowing it is to be used without further inspection, and it then proves to have a defect that causes injury to a human being.

One case concerned a bread truck driver who was seriously injured when struck by a loaded bread tray that broke free when his truck went into a ditch. The driver sued the firm that assembled the truck, on the ground that the metal fasteners for the bread trays had proven to be defective, and contained flaws not visible to the eye. The court agreed that the firm was liable because it should have considered the possibility of a collision — a "reality of everyday use." In doing so, the court also stated that the victim need not prove that a defect makes a product "unreasonably dangerous". "Although the seller should not be responsible for all injuries involving the use of its products," the court said, "it should be liable for all injuries proximately caused by any of its products which are adjudged 'defective'."

In the second case, the court concluded that a manufacturer must be held liable for obvious as well as hidden defects — in this case, an opening in the top of a rotary lawn mower. Otherwise, the court noted, a manufacturer who ignored an obvious defect would be subject to a less strict liability standard than a manufacturer who innocently sold a defective product.

Robbery-kidnapping decision

A kidnapping by a robber while escaping from the scene of the robbery comes within the meaning of the "kidnapping for the purpose of robbery" statute and is, therefore, a more serious offense than armed robbery. Thus, the court ruled unanimously in a decision written by Chief Justice Donald R. Wright and announced on October 20th, 1972.

The case before the court involved Raymond Ross Laursen who, with Vincent Roosevelt Lowrie, was convicted of robbing a Fresno market. Leaving the market, their car stalled, and the pair forced Donald Teeter to drive them away. Both robbers were eventually caught, and Teeter was freed after being shot in the hand. Laursen was convicted of armed robbery and robbery-kidnap, but appealed the second charge on the ground that the kidnaping was not part of the robbery but had occurred as an afterthought and after the police had recovered the loot from the robbery.

The court rejected both arguments and affirmed Laursen's conviction, saying that the primary purpose of the robbery-kidnap statute is "to impose harsher criminal sanctions to deter the carrying away of persons during the commission of a robbery in a manner which substantially increases the risk that someone will suffer grave bodily or psychic injury or death". A kidnaping during a robbery even though motivated by events occuring after its beginning, said the court, "most certainly increases the risk — and is specifically the type of conduct made punishable by Section 109."

English teacher reinstated

Deena Metzger, an English teacher at Los Angeles Valley College, was dismissed from her position by the Board of Trustees of the Los Angeles Community Colleges because she presented as teaching aids in a first-year junior college class a poem of her own composition that contained obscenities and profanity, and an advertising brochure that contained nude photographs. Ms. Metzger's conduct, said the board, was "immoral" and constituted "evident unfitness for service", grounds for dismissal under the state's Education Code.

At her superior court hearing, Ms. Metzger stated that the poem and brochure were used as supplemental teaching aids (about which the district had no restrictive regulations), that all the students were over 18, that all were permitted to take a substitute lesson if they wished, and that she had stopped using the materials as soon as directed to do so. Fourteen of the college English faculty defended her professional judgment in the matter, and four students testified that they had benefited from the class. The college president and one colleague testified that she had used poor judgment, and one student testified that he had been offended. The record indicated that Ms. Metzger was an outstanding teacher and had no other complaints against her.

On this evidence, the superior court ruled that she had not acted immorally and directed the board to reinstate her. The board appealed, arguing that it had the authority under law to decide whether a teacher's conduct constituted grounds for dismissal. The Supreme Court rejected that argument and affirmed the trial court's judgment. Justice Louis H. Burke, who wrote the court's opinion, stated that permanent teachers are not immune to disciplinary action on account of using "indecent or profane works or writings" in the classroom, but that "the responsibility for determining the truth of the dismissal charges *and* their sufficiency as grounds for dismissal was vested in the trial court, not the governing board." In the case at hand, the court

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said, the board had failed to show that the trial court had carried out its duties contrary to law.

Patients' right to be informed

An adult patient in sound mind has the right to determine whether or not to submit to lawful medical treatment, and, in order to do so, he or she must be given "whatever information is material to the decision." Thus, a physician must tell a patient the choices of treatment available and the dangers involved in each. "The test for determining whether a potential peril must be divulged is its materiality to the patient's decision."

So said the court in a 6-0 decision (Chief Justice Wright did not participate) announced on October 27th and written by Justice Stanley Mosk. The decision concerned the case of Ralph Cobbs, who was treated by Dr. Dudley F. P. Grant for a duodenal ulcer. In surgery, Cobbs suffered a severed artery and serious hemorrhaging. In further treatment, Cobb's spleen was removed and he developed a gastric ulcer. Cobb sued Dr. Grant for malpractice and received $23,800 in damages. Dr. Grant appealed, and the Supreme Court reversed the trial court judgment because the court had erred in letting the issue go to the jury when there was uncontradicted expert testimony in Dr. Grant's favor. In that case, the Supreme Court said, the matter was a medical question that could not be resolved by lay jurors.

In its instructions to the trial court for retrial, the Supreme Court said the doctor's duty to disclose the medical facts to a patient is not to be governed by the medical practice in the community, but by a law-imposed duty for reasonable disclosure that cannot be circumscribed by community medical practice.

nheritance tax avoidance

Ten years before Stephen Bielec died, he and his brother, Paul, entered into an agreement according to which if one of them died the surviving brother could acquire his brother's corporate interests for $100,000 paid to the decedant's estate. The two brothers each owned one-half interest in interlocking corporations. When Stephen died, Paul, who was also the principal beneficiary and executor of Stephen's will, exercised his right to acquire Stephen's interest for $100,000, although the market value of Stephen's holdings had increased by that time to about $450,000. The probate court rejected the purchase as a device to escape the inheritance tax, and instead used the inheritance tax appraiser's $454,127 appraisal as the basis for charging the estate an inheritance tax.

The Supreme Court unanimously affirmed the probate court order in a decision written by Chief Justice Wright and announced on October 27th. Pointing out that the sale agreement was good only upon the death of one of the brothers and otherwise of no effect, the court ruled that it was, therefore, "donative in nature" and taxable under the Revenue and Taxation Code at fair market value, rather than for the prearranged sales price.

Selected Reports

Environmental Voting Index: Three Year Cumulative Effort; by Legislative Birdwatchers, Inc., 909 12th Street, Sacramento 95814. ($2.00) 1972. 30 p. Includes summaries of 1970 and 1972 environmental legislation in California.

Oil Pollution and the Public Interest: A Study of the Santa Barbara Oil Spill; by A. E. Keir Nash, Dean E. Mann, and Phil G. Olsen. Published by the Institute of Governmental Studies, University of California, 109 Moses Hall, Berkeley 94720. ($3.75) 1972. 157 p.

Status of the Development of a Program Budgeting System for California School Districts: A Report to the Joint Legislative Budget Committee as Recommended by the Legislative Analyst; by the State Department of Education, 721 Capitol Mall, Sacramento 95814. 1972. 10 p.

The State and Local Fiscal Assistance Act of 1972: Fiscal Impact and Policy Implications for State and Local Government; by the Legislative Analyst, State Capitol, Sacramento 95814. October 24, 1972. 26 p. Discussion of the federal revenue-sharing program by request of the Assembly Ways and Means Committee.

Cable Television, Report and Suggested Ordinance; by the League of California Cities, 1108 O Street, Sacramento 95814. ($10.00 plus tax) September 1972. 77 p. A report on cable television in California, incorporating the Federal Communications Commission's Cable Television Regulations which became effective on March 31, 1972. Suggests a franchising procedure.

Blacks and Metropolitan Governance: The Stakes of Reform; by Willis D. Hawley, Duke University. Published by the Institute of Governmental Studies, University of California, Berkeley 94720. ($1.50) 1972. 34 p. The author argues that racial minorities "are among those who can gain most from appropriately designed regional approaches to many problems of metropolitan areas."

State Social Welfare Report on Foster Care: Children Waiting; published by the Health and Welfare Agency, Department of Social Welfare, 744 P Street, Sacramento 95814. September 1972. 51 p. Includes a Child Placement Training Model by the Board's Task Force on Foster Care.

1972 Annual Report on Organized Crime; by the Organized Crime & Criminal Intelligence Branch of the Department of Justice; released by the Office of the Attorney General, 500 Wells Fargo Bank Building, Sacramento 95814. October 1972. 17 p. The first annual report to the Legislature on organized crime, this report concludes that "organized crime does exist in California in visible and subtle forms. As would be expected, the more populous areas of the state evidence the greatest amount of organized crime activity."

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CALIFORNIA CALENDAR

INTERIM LEGISLATIVE HEARINGS

The following state legislative committees have scheduled interim hearings. They are open to the public. Contact committees for further details.

Nov. 16-17 **Assembly Judiciary Committee.** State Capitol Building, Sacramento. 9:30 a.m. (time tentative). Subject: Malpractice Insurance.

Dec. 4 **Senate Committee on Revenue and Taxation.** State Building Auditorium, San Diego. 10 a.m. Subject: Taxation of Mobile Homes (SB 538, Coombs). Will meet only if the Legislature is not in session.

Dec. 5 **Senate Committee on Revenue and Taxation.** State Building Auditorium, San Diego. 10 a.m. (tentative). Subject: Evaluation of Property Damaged by Soil Failure, and Revisions of Equalization Provisions of Property Tax Codes (SB 897 and SCA 42).

Dec. 14 **Assembly Committee on Revenue and Taxation.** 1350 Front St., Room B 109, San Diego. 10 a.m. Subject: Valuation of Computer Software. Will meet only if the Legislature is not in session.

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I certify that the statements made by me above are correct and complete.
THOMAS R. HOEBER, Editor

Meetings of the following state boards, commissions, and councils are listed each month; if one of these is not listed, it can be assumed that it is not scheduled to meet this month. Boards, commissions, and councils to be included are: Board of Education; Board of Equalization; Board of Governors of the California Community Colleges; Board of Trustees of the California State University and Colleges; Consumer Advisory Council; Coordinating Council for Higher Education; Council on Criminal Justice; Highway Commission; Little Hoover Commission; Park and Recreation Commission; Regents of the University of California; and Social Welfare Board.

Nov. 14 **Coordinating Council for Higher Education.** Sacramento Inn, Interstate 80 at Arden Way, Sacramento. 9 a.m.

Nov. 14-16 **Board of Equalization.** Board Hearing Room, 1020 N Street, Sacramento. 2 p.m.

Nov. 15-16 **Highway Commission.** Room 301, Hall of Records, 2281 Tulare Street, Fresno. 9 a.m.

Nov. 16-17 **Social Welfare Board.** 11/16 — State Building, 107 S. Broadway, Los Angeles. 9 a.m. Subject: illegitimacy, family planning, and abortion. 11/17 — Biltmore Hotel, 515 S. Olive Street, Los Angeles. 9 a.m. Business meeting.

Nov. 17 **Regents of the University of California.** University Extension Center, 55 Laguna Street, San Francisco.

Nov. 20-21 **Board of Trustees of the California State University and Colleges.** Third Floor Auditorium, Office of the Chancellor, 5670 Wilshire Blvd., Los Angeles.

Nov. 21 **Consumer Advisory Council.** 1020 N Street, Sacramento. Afternoon only. Subject: the Department of Education's progress in the field of consumer education.

Nov. 30 **Council on Criminal Justice.** Host of Sacramento Airport Hotel, Metropolitan Airport, Sacramento. 9:30 a.m.

Dec. 1-2 **Law Revision Commission.** State Bar Building, 601 McAllister Street, San Francisco. 9:30 a.m.

Dec. 6-7 **Board of Governors of the California Community Colleges.** Airport Marina Hotel, Burlingame. 9 a.m.

Dec. 14-15 **Board of Education.** Resources Building, 1416 Ninth Street, Sacramento. 9 a.m.

The following boards and commissions follow a standard monthly schedule and thus are not included in the Calendar: Allocation Board, second Tuesday of each month; Board of Agriculture, first Thursday; Commission of Housing and Community Development, third Wednesday of every other month; Lands Commission, last Thursday of each month; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Soil Conservation Commission, fourth Tuesday; Transportation Board, first Thursday; Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays. Please contact the agency for meeting time and place.

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PEOPLE IN THE NEWS

In an effort to "avoid political implications" in the state's public information service, the Reagan administration has created a new position to head all of California's public information officers (See **California Journal,** June-July 1972, p. 190). **Harvey F. Yorke,** 54, who for the last six years has been press officer for San Francisco State University, was appointed to fill the post. Yorke, a retired Air Force lieutenant colonel, served as assistant to the president at the public relations firm of Whitaker & Baxter before he moved to the San Francisco State campus in 1966. According to an adviser to the Governor, Yorke's responsibility will be "to do whatever is necessary to give citizens more access to their state government — and politics be damned."

S. I. Hayakawa, 66, President of San Francisco State University since 1968, announced his resignation last month. Hayakawa assumed the presidency during the period of student demonstrations and teachers' strikes on that campus, and is credited with bringing the militancy to an end. His resignation will become effective at the end of this academic year, if a successor can be found by then.

On October 13th, President Nixon announced the appointment of **John T. Kehoe,** 41, director of the state Department of Consumer Affairs, to a two-year term on the National Consumer Advisory Council. Kehoe, who will retain his state post, is the first Californian to serve on the council, which was created in February 1971 to advise the director of the Office of Consumer Affairs.

Dr. J. M. Stubblebine, director of the state Department of Mental Hygiene, was designated last month by Governor Reagan to direct the new Department of Health when it is activated on July 1st, 1973. The new department will consist of the present departments of Mental Hygiene, Public Health, and Health Care Services. Stubblebine, a Democrat, will be director of the Office of the Department of Health Planning until July, with responsibility for assuring "the orderly implementation of the new Department of Health."

Succeeding James S. Dwight Jr. as chief deputy director of the Department of Finance (see **California Journal,** September 1972, p. 273) is **Kenneth F. Hall,** 34, deputy director of the department since July 1970. Hall first joined the Reagan Administration in January 1967 as a Special Assistant to the Governor, becoming Assistant Cabinet Secretary in September of the same year. A year later, he was appointed Assistant Secretary of the Agriculture and Services Agency, a post he held until joining the Department of Finance. **Edward M. Fryer,** 56, was appointed to fill the vacancy left by Hall. A former professor of physics at Pomona College, Fryer became general manager of the Quantum Electronics Division of Varian Associates in 1965. He has recently been engaged in ranch and investment management.

State Senator Tom Carrell, 72, died of a heart attack on October 15th while vacationing in Hawaii. Carrell's death reduced the Democratic majority in the Senate to 20-19. The Senator had represented the 22nd District (east San Fernando Valley) since 1966, and had previously been an Assemblyman for seven years. Since his term in the Senate was not due to expire until 1974, a special election will be held, probably early next year, to pick a successor.

"I can't afford to hire a secretary, and I can't be burdened with all that red tape. I spend half my time now passing the hat and paying the bills candidates send in to me." So said **George Shellenberger,** the 72-year-old retired insurance broker who runs the largest known private campaign war chest in California, in explaining why he has refused to turn in campaign receipts and expenditure statements to the Secretary of State. The fund, "United for California," supports conservative candidates for the state Legislature and, according to Shellenberger, will probably have collected and spent between $250,000 and $300,000 in 68 campaigns this fall.

Wardell A. Connerly, 35, deputy director of the state Department of Housing and Community Development, acknowledged last month that he leases, for almost $500,000, 50 low-cost housing units to the Sacramento Housing Authority, which in turn rents the houses to low-income families. He denied, however, any conflict of interest between the transaction and his job with the department, which is responsible for helping the poor find adequate housing.

California Savings and Loan Commissioner **Michael F. B. MacBan** will be named president of the Federal Home Loan Bank of San Francisco if some of the state's savings and loan executives have their way. MacBan, whose job is to regulate the state-chartered savings firms, let it be known earlier this year that he would like the new position. Should he be named president of the bank, MacBan would be responsible for supervising both federal and state-chartered savings and loan firms in California, Arizona, and Nevada.

The League of California Cities elected a new president at its convention in Anaheim last month. He is **Thomas J. Mellon,** San Francisco's chief administrative officer. Also elected were **Harold Hayes,** Mayor of Montclair, first vice president, and **Lee Davis,** Mayor of Modesto, second vice president.

Early in October, Los Angeles City Councilman **Billy G. Mills** was appointed to the California Council on Criminal Justice, which dispenses federal grants to law enforcement agencies. Lieutenant Governor Ed Reinecke criticized the appointment, which was made in his name while Governor Reagan was out of state. Said Reinecke, "Mills is a very ardent political liberal. I don't think his views on law enforcement are consistent with mine, and frankly I don't think they are with Governor Reagan's."

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Now that politicians have opinion polls to find out what the voters think, some method should be developed to give the voters some idea of what the politicians think.

–Burton Hillis

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